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JOURNAL

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Sen

OF THE

SENATE OF TENNESSEE,

OF

AT THE

TWENTY-FOURTH GENERAL ASSEMBLY,

HELD AT NASHVILLE.

JAMES WILLIAMS, E. G. EASTMAN, DONALD CAMERON, AND A. M. ROSEBOROUGH,

PRINTERS TO THE STATE.

KNOXVILLE:

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JOURNAL.

At a meeting of the General Assembly of the State of Tennessee, begun and held in the City of Nashville, on Monday the 4th day of October, A. D. 1841, being the first session of the 24th General Assembly of said State, the following named Senators appeared, produced their credentials, and the several oaths required by the Constitution being administered by the Honorable Thomas Maney, one of the Judges of the Circuit Court, they severally took their seats, viz:

From the counties of

Carter, Sullivan, and Washington—Robert W. Powell.
Cocke, Jefferson, Blount, and Sevier—Lewis Reneau.
Greene and Hawkins—Andrew Johnson.
Grainger, Claiborne, Campbell, Anderson, & Morgan—Wm. Williams.
Knox and Roane—John R. Nelson.
Monroe, McMinn, Bradley, and Polk—John Miller.
Rhea, Bledsoe, Marion, Hamilton, and Meigs—Richard Waterhouse.
White, Overton, Fentress, and Jackson—Samuel Turney.
Warren and Franklin—Samuel H. Laughlin.
Lincoln and Giles—Wm. T. Ross.
Smith and Sumner—Joseph H. Peyton.
Bedford—Richard Warner.
Maury—Barclay Martin.
Rutherford—William Ledbetter.
Davidson—Thomas R. Jennings.
Wilson—Benjamin T. Motley.
Williamson—Robert C. Foster, Jr.
Lawrence, Wayne, and Hickman—Thomas J. Matthews.
Dickson, Stewart, Humphreys, and Benton—J. P. Hardwicke.
Robertson and Montgomery—Henry Frey.
Henderson, Perry, McNairy, and Hardin—Hezekiah Bradbury.
Henry, Weakly, and Obion—John A. Gardner.
Carroll, Gibson, and Dyer—Valentine Sevier.
Madison, Haywood, and Tipton—John B. Ashe.
Hardeman, Fayette, and Shelby—Sackfield Maclin.

On motion of Mr. Warner, Mr. Hardwicke was called to the chair

On motion of Mr. Laughlin, the Senate proceeded *viva voce* to the election of Speaker.

Mr. Warner nominated Samuel Turney, and no other person being in nomination,—those who voted for Mr. Turney, were Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, and Williams. 22.

For Barclay Martin, Mr. Nelson, 1.
For Richard Warner, Mr. Turney, 1.
For Henry Frey, Mr. Motley, 1.

Whereupon the Chairman declared Samuel Turney duly and constitutionally elected, and he was conducted to the Chair.

On motion of Mr. Warner, that the Senate adjourn until 2 o'clock this evening, the ayes and noes being demanded, were,

Ayes—Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney, 13.

Noes—Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12.

And so the Senate adjourned to 2 o'clock this evening.

EVENING SESSION.

Senate met pursuant to adjournment.

On motion of Mr. Jennings,

Ordered, That one Reporter for each newspaper published in the State, have the privilege of a seat within the bar of the Senate.

On motion of Mr. Laughlin, that the Senate adjourn until to-morrow morning, 10 o'clock, the ayes and noes being demanded, were,

Ayes—Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Speaker Turney, 13.

Noes—Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12.

Whereupon the Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, October 5, 1841.

The Senate met pursuant to adjournment.

On motion of Mr. Ledbetter,

The Senate proceeded *viva voce* to the election of principal Clerk.

Mr. Ashe nominated Jacob A. Lane, of White county.

Mr. Laughlin nominated Ezra Keyser, of Rutherford county.

Those who voted for Mr. Keyser, were Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, 12.

For Mr. Lane, Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Speaker Turney, 13.

Whereupon, the Speaker declared Jacob A. Lane, duly and constitutionally elected principal Clerk of the Senate, who took an oath to support the Constitution of the United States, the State of Tennessee, and an oath of office, administered in due form of law, by Wilkins Tannehill, Esq. a Justice of the Peace for Davidson county, and thereupon is permitted to enter upon the duties of his office.

On motion of Mr. Foster, of Williamson,

The Senate in like manner proceeded to the election of assistant Clerk.

Mr. Waterhouse nominated Scott Terry, of Bledsoe county.

Mr. Ross nominated Benjamin F. Herndon, of Giles county.

Mr. Gardner nominated A. M. Caldwell, of Carroll county.

Mr. Ledbetter nominated Ezra Keyser, of Rutherford county.

Those who voted for Mr. Terry, were, Messrs. Bradbury, Foster, Frey, Johnson, Miller, Motley, Nelson, Powell, Reneau, Waterhouse, and Williams, 11.

For Herndon, Messrs. Martin, Ross, and Warner, 3.

For Caldwell, Messrs. Ashe, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Matthews, Peyton, Sevier, and Speaker Turney, 10.

For Keyser, Mr. Ledbetter, 1.

The Senate again proceeded *viva voce* to the election of assistant Clerk.

When Mr. Ross withdrew the name of Benjamin F. Herndon.

Those who voted for Mr. Terry, were, Messrs. Frey, Johnson, Miller, Motley, Nelson, Powell, Reneau, Williams, and Waterhouse, 9.

Those who voted for Mr. Caldwell, were, Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Martin, Matthews, Peyton, Ross, Sevier, Warner, and Speaker Turney, 15.

For Keyser, Mr. Ledbetter, 1.

Whereupon the Speaker declared A. M. Caldwell duly and constitutionally elected assitant clerk to the Senate, who took an oath to suppor the Constitution of the United States, the State of Tennessee, and an oath of office, administered in due form of law, by Wilkins Tannehill, Esq. a Justice of the Peace for Davidson county, and thereupon is permitted to enter upon the duties of his office.

On motion of Mr. Warner, the Senate proceeded to the election of door keeper.

Mr. Nelson nominated Hays Arnold.

Mr. Johnson nominated Henry Tarrant.

Mr. Martin nominated Isham Duncan.

Mr. Laughlin nominated Stephen J. Mathews.

Mr. Maclin nominated Randolph D. Casey.

Mr. Bradbury nominated Sion Rodgers.

Mr. Foster nominated —— Pea.

Mr. Warner nominated Wilson P. Davis.

Mr. Hardwicke nominated T. G. Martin.

Mr. Miller nominated John M. Gibbs.

Mr. Ross nominated Samuel G. Buchanan.

Mr. Peyton nominated Jeremiah Fisher.

Those who voted for Mr. Buchanan was Mr. Ross, 1.

For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.

For Martin, Mr. Hardwicke, 1.

For Mr. Mathews, Messrs. Jennings, Laughlin, Matthews, and Motley, 4.

For Davis, Mr. Warner, 1.

For Pea, Messrs. Ashe, Foster, Frey, Ledbetter, and Williams, 5.
For Rodgers, Messrs. Bradbury and Sevier, 2.
For Casey, Messrs. Gardner, Maclin, and Reneau, 3.
For Duncan, Mr. Martin, 1.
For Tarrant, Mr. Johnson, 1.
For Arnold, Messrs. Nelson, and Speaker Turney, 2.
For Fisher, Mr. Peyton, 1.
In like manner the Senate proceeded to the election of door keeper.
Those who voted for Mr. Pea, were Messrs. Ashe, Foster, Frey, Ledbetter, Reneau, and Williams, 6.
For Casey, Messrs. Gardner and Maclin, 2.
For Mathews, Messrs. Jennings, Laughlin, and Matthews, 3.
For Buchanan, Mr. Ross, 1.
For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.
For Martin, Mr. Hardwicke 1.
For Davis, Mr. Warner, 1.
For Rodgers, Messrs. Bradbury and Sevier, 2.
For Duncan, Mr. Martin, 1.
For Tarrant, Mr. Johnson, 1.
For Arnold, Messrs. Nelson, and Speaker Turney, 2.
For Fisher, Messrs. Motley and Peyton, 2.
The Senate proceeded the third time *viva voce* to the election of door keeper.
Mr. Pea being withdrawn by Mr. Foster.
Those who voted for Mr. Casey, were, Messrs. Gardner and Maclin, 2.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, and Matthews, 5.
For Buchanan, Mr. Ross, 1.
For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.
For Martin, Mr. Hardwicke, 1.
For Davis, Mr. Warner, 1.
For Rodgers, Messrs. Bradbury and Sevier, 2.
For Duncan, Mr. Martin, 1.
For Tarrant, Mr. Johnson, 1.
For Arnold, Messrs. Ashe, Foster, Nelson, Reneau, and Speaker Turney, 5.
For Fisher, Messrs. Motley, Peyton, and Williams, 3.
The Senate then proceeded *viva voce* a fourth time to the election of door keeper.
When the name of Mr. Buchanan was withdrawn by Mr. Ross.
Those who voted for Mr. Casey, were, Messrs. Gardner and Maclin, 2.
For Mr. Mathews, Messrs. Jennings, Laughlin, Ledbetter, and Matthews, 4.
For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.
For Martin, Mr. Hardwicke, 1.
For Davis, Messrs. Martin, Ross, and Warner, 3.
For Rodgers, Messrs. Bradbury, Frey, and Sevier, 3.

For Tarrant, Mr. Johnson, 1.

For Mr. Arnold, Messrs. Ashe, Foster, Motley, Nelson, Reneau, and Speaker Turney, 6.

For Fisher, Messrs. Peyton and Williams, 2.

The name of Isham Duncan was withdrawn by Mr. Martin.

The Senate proceeded *viva voce* the fifth time to the election of door keeper,

When Mr. Fisher was withdrawn by Mr. Peyton.

Those who voted for Casey, were, Messrs. Gardner and Maclin, 2.

For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews, Peyton, Reneau, and Williams, 8.

For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.

For Martin, Mr. Hardwicke, 1.

For Davis, Messrs. Martin, Ross, and Warner, 3.

For Rodgers, Messrs. Bradbury and Sevier, 2.

For Tarrant, Mr, Johnson, 1.

For Arnold, Messrs. Ashe, Foster, Motley, Nelson, and Speaker Turney, 5.

The Senate then proceeded *viva voce* a sixth time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner and Maclin, 2.

For Mathews, Messrs. Foster, Frey, Jennings, Laughlin, Ledbetter, Matthews, Peyton, and Reneau, 8.

For Gibbs, Messrs. Miller, Powell, Waterhouse, and Williams, 4.

For Martin, Mr. Hardwicke, 1.

For Davis, Messrs. Martin, Ross, and Warner, 3.

For Rodgers, Messrs. Bradbury and Sevier, 2.

For Tarrant, Mr. Johnson, 1.

For Arnold, Messrs. Ashe, Motley, Nelson, and Speaker Turney, 4.

The Senate proceeded *viva voce* a seventh time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner and Maclin, 2.

For Mathews, Messrs. Foster, Frey, Jennings, Laughlin, Ledbetter, Matthews, Motley, Peyton, Reneau, and Williams, 10.

For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.

For Martin, Mr. Hardwicke, 1.

For Davis, Messrs. Martin, Ross, and Warner, 3.

For Rodgers, Messrs. Ashe, Bradbury, and Sevier, 3.

For Tarrant, Messrs. Johnson and Nelson, 2.

For Arnold, Mr Speaker Turney, 1.

The Senate proceeded *viva voce* an eighth time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner and Maclin, 2.

For Matthews, Messrs. Foster, Frey, Jennings, Laughlin, Ledbetter, Mathews, Motley, Peyton, Reneau, Williams, and Speaker Turney, 11.
For Gibbs, Messrs Miller, Powell, and Waterhouse, 3.
For Martin, Mr. Hardwicke, 1.
For Davis, Messrs. Martin, Ross, and Warner, 3.
For Rodgers, Messrs. Ashe, Bradbury, and Sevier, 3.
For Tarrant, Mr. Johnson, 1.
For Arnold, Mr. Nelson, 1.
When Mr. Davis was withdrawn by Mr. Warner.
The Senate proceeded a ninth time to the election of door keeper.
Those who voted for Casey, were, Messss. Gardner and Maclin, 2.
For Mathews, Messrs. Foster, Frey, Jennings, Laughlin, Ledbetter, Matthews, Motley, Peyton, Reneau, Ross, Warner, and Williams, 12.
For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.
For Martin, Mr. Hardwicke, 1.
For Rodgers, Messrs. Ashe, Bradbury, and Sevier, 3.
For Tarrant, Messrs. Johnson, Martin, and Nelson, 3.
For Arnold, Mr. Speaker Turney, 1.
The Senate proceeded *viva voce* the tenth time to the election of door keeper.
Those who voted for Casey, were, Messrs. Gardner, Maclin, and Powell, 3.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews. Motley, Peyton, Ross, and Warner, 9.
For Gibbs, Messrs. Miller and Waterhouse, 2.
For Martin, Mr. Hardwicke, 1.
For Rodgers, Mr. Sevier, 1.
For Tarrant, Messrs. Johnson and Martin, 2.
For Arnold, Messrs. Ashe, Bradbury, Foster, Nelson, Reneau, Williams, and Speaker Turney, 7.
The Senate proceeded *viva voce* the 11th time to the election of door keeper.
Those who voted for Casey, were, Messrs. Gardner, Maclin, Powell, and Warner, 4.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews, Motley, Peyton, Ross, and Williams, 9.
For Gibbs, Messrs. Miller and Waterhouse, 2.
For Martin, Mr. Hardwicke, 1.
For Rodgers, Mr. Sevier, 1.
For Tarrant, Messrs. Johnson and Martin, 2.
For Arnold, Messrs. Ashe, Bradbury, Foster, Nelson, Reneau, and Speaker Turney, 6.
The Senate proceeded *viva voce* the 12th time to the election of door keeper.
Those who voted for Casey, were, Messrs. Gardner and Maclin, 2.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews. and Peyton, 6.
For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.

For Martin, Messrs. Hardwicke and Martin, 2.
For Rodgers, Mr. Sevier, 1.
For Tarrant, Messrs. Johnson, Ross, Warner, and Williams, 4.
For Arnold, Messrs. Ashe, Bradbury, Foster, Motley, Nelson, Reneau, and Speaker Turney, 7.

The Senate proceeded *viva voce* the 13th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner, Maclin, and Ross, 3.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews, Peyton, and Warner, 7.
For Gibbs, Messrs. Miller, Powell, and Waterhouse, 3.
For Martin, Mr. Hardwicke, 1.
For Rodgers, Messrs. Sevier and Williams, 2.
For Tarrant, Messrs. Johnson and Martin. 2.
For Arnold, Messrs. Ashe, Bradbury, Foster, Motley, Nelson, Reneau, and Speaker Turney, 7.

The Senate proceeded *viva voce* the 14th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner, Maclin, and Williams, 3.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews, and Peyton, 6.
For Gibbs, Messrs. Martin, Miller, Powell, and Waterhouse, 4.
For Martin, Mr. Hardwicke, 1.
For Rodgers, Mr. Sevier, 1.
For Tarrant, Messrs. Johnson and Ross, 2.
For Arnold, Messrs. Ashe, Bradbury, Foster, Motley, Nelson, Reneau, and Speaker Turney, 7.

The Senate proceeded *viva voce* the 15th time to the election of door keeper.

Those who voted for Casey, were, Messrs Gardner and Maclin, 2.
For Mathews, Messrs. Frey, Jennings, Laughlin, Ledbetter, Matthews, Ross, and Warner, 7.
For Gibbs, Messrs. Martin, Miller, Powell, Waterhouse, and Williams, 5.
For Martin, Mr. Hardwicke, 1.
For Rodgers, Mr. Sevier, 1.
For Tarrant, Mr. Johnson, 1.
For Arnold, Messrs. Ashe, Bradbury, Foster, Motley, Nelson, Peyton, Reneau, and Speaker Turney, 8.

On motion of Mr. Martin, the Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate proceeded *viva voce* the 16th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner and Maclin, 2.
For Mathews, Messrs. Frey, Jennings, Matthews, Peyton, and Reneau, 5.

For Gibbs, Messrs. Bradbury, Laughlin, Martin, Miller, Powell, Ross, Waterhouse, and Warner, 8.

For Martin, Mr. Hardwicke, 1.

For Rodgers, Mr. Sevier, 1.

For Tarrant, Messrs. Johnson and Motley, 2.

For Arnold, Messrs. Ashe, Nelson, Williams, and Speaker Turney, 4.

Mr. Rodgers was then withdrawn by Mr. Sevier.

The Senate proceeded *viva voce* the 17th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Maclin and Sevier, 2.

For Mathews, Messrs. Frey, Jennings, Ledbetter, Matthews, Peyton, and Reneau, 6.

For Gibbs, Messrs. Bradbury, Gardner, Laughlin, Martin, Miller, Powell, Ross, Waterhouse, and Warner, 9.

For Martin, Mr. Hardwicke, 1.

For Tarrant, Messrs. Johnson, Motley, and Williams, 3.

For Arnold, Messrs. Ashe, Foster, Nelson, and Speaker Turney, 4.

The Senate proceeded *viva voce* the 18th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Maclin, Reneau, and Sevier, 3.

For Mathews, Messrs. Frey, Jennings, Ledbetter, and Matthews, 4.

For Gibbs, Messrs. Gardner, Laughlin, Martin, Miller, Powell, Ross, Waterhouse, Warner, and Williams, 9.

For Martin, Mr. Hardwicke, 1.

For Tarrant, Mr. Johnson, 1.

For Arnold, Messrs. Ashe, Bradbury, Foster, Motley, Nelson, Peyton, and Speaker Turney, 7.

The Senate proceeded *viva voce* the 19th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner, Maclin, Martin, Sevier, and Ross, 5.

For Mathews, Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, and Mathews, 6.

For Gibbs, Messrs, Laughlin, Miller, Powell, and Waterhouse, 4.

For Martin, Mr. Hardwicke, 1

For Tarrant, Messrs. Johnson and Motley, 2.

For Arnold, Messrs. Ashe, Nelson, Peyton, Reneau, Williams, and Speaker Turney, 6.

The Senate proceeded *viva voce* the 20th time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner, Maclin, Ross, and Sevier, 4.

For Mathews, Messrs. Bradbury, Frey, Jennings, Ledbetter, and Matthews, 5.

For Gibbs, Messrs. Laughlin, Martin, Miller, Powell, Waterhouse, and Warner, 6.

For Martin, Mr. Hardwicke, 1.

For Tarrant, Messrs. Johnson and Motley, 2.

For Arnold, Messrs. Ashe, Foster, Nelson, Peyton, Reneau, Williams, and Speaker Turney, 7.

The Senate proceeded *viva voce* the 21st time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner, Maclin, Ross, and Sevier, 4.

For Mathews, Messrs. Jennings, Ledbetter, and Matthews, 3.

For Gibbs, Messrs, Laughlin, Martin, Miller, Powell, Waterhouse, and Warner, 6.

For Martin, Mr. Hardwicke, 1.

For Tarrant, Messrs. Johnson and Motley, 2.

For Arnold, Messrs. Ashe, Bradbury, Foster, Frey, Nelson, Peyton, Reneau, and Speaker Turney, 9.

The Senate proceeded *viva voce* the 22nd time to the election of door keeper.

Those who voted for Casey, were, Messrs. Gardner, Maclin, and Warner, 3.

For Mathews, Messrs. Laughlin and Matthews, 2.

For Gibbs, Messrs. Martin, Miller, Powell, Ross, and Waterhouse, 5.

For Martin, Mr. Hardwicke, 1.

For Tarrant, Mr. Johnson, 1.

For Arnold, Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Speaker Turney, 13.

Whereupon the Speaker declared Hays Arnold, duly and constitutionally elected door keeper of the Senate, who entered upon the duties of his office.

On motion of Mr. Ledbetter, the following resolution was adopted:

Resolved, That the regular hour of meeting in the Senate, shall be 9 o'clock in the forenoon, and 2 o'clock in the afternoon, until otherwise ordered.

On motion of Mr. Laughlin, the following Resolution was adopted:

Resolved, That the rules for the government of the Senate, adopted at the last session, be adopted for the government of the present Senate, until otherwise ordered; and that a committee of three be appointed to draft and report rules for the government of the Senate, at the present session.

On motion of Mr. Hardwicke,

Ordered, That the Clerk communicate to the House of Representatives, by message in writing, that a quorum of the Senate assembled, were organized, and ready to proceed to the despatch of public business.

On motion of Mr. Foster, the Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, October 6, 1841.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to inform the Senate that a quorum of the House of Representatives did assemble in the Representative Hall,

on Monday, the 4th inst., in obedience to the Constitution. They have elected Burchett Douglass, Representative from Fayette county, their Speaker, Stokely D. Mitchell their Principal clerk, Thomas A. Brown and John Blevins their assistant clerks; and David J. Carr, principal door-keeper, and Pleasant M. Hornback, their assistant door-keeper; and the House of Representatives being fully organized, is now ready to proceed to public business.

And then he withdrew.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Resolved, That a committee of four of the members of the House of Representatives be appointed, to join such committee as shall be appointed by the Senate, to wait on his Excellency the Governor of the State of Tennessee, and inform him that the two branches of the General Assembly are now organised, and ready to receive any communication he may think proper to make; and that the clerk of the House inform the Senate of the adoption of this resolution, and of the names of the committee on part of the House. Messrs. Dew, Burton, Fain, and Bullock, were of said committee; in which they ask the concurrence of the Senate.

And then he withdrew.

Whereupon said message was read, and on motion of Mr. Warner, was concurred with. The Speaker then appointed Messrs. Hardwicke and Warner to be of said committee on the part of the Senate.

The Speaker presented the Report of the Comptroller of the Treasury of the State of Tennessee; which is ordered to the table.

The Speaker thereupon appointed Messrs. Laughlin, Lea, Jones and Martin a committee to draft and report rules for the government of the Senate, touching its proceedings at the present session.

On motion of Mr. Martin, the following resolution was submitted:

Resolved by the Senate, That there shall be neither pipe or cigar smoked within their chamber, during the business hours of the Senate, at the present session of the General Assembly.

And on motion of Mr. Jennings, the rule being suspended, requiring resolutions to lie on the table one day, said resolution was adopted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution, proposing a committee to act in conjunction with a committee of the Senate, to prepare and report joint rules and orders for conference between the Senate and House of Representatives, and have appointed Messrs. Dew of Maury, Perkins of Williamson, Scruggs of Jefferson, Buchanan of Giles, and Hill of Warren, to be of said committee on the part of the House of Representatives; in which resolution they ask the concurrence of the Senate.

And then he withdrew.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution, that the Senate meet the House of Representatives in their

hall, on Monday, the 11th inst., at 10 o'clock, A. M., for the purpose of electing a Judge for the 1st judicial circuit in the State of Tennessee, and ask the concurrence of the Senate theren.

And then he withdrew

On motion of Mr. Martin, the Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Jennings submitted the following amendment to the rules for the government of the Senate:

That the 44th rule be amended so that a call for the previous question when sustained, shall preclude all further debate, but shall not preclude a vote on all amendments that have been already offered.

Mr. Johnson submitted the following amendment to the rules for the government of the Senate: That an additional committee in the Senate be appointed to be called the committee on public roads; which amendment prevailed.

The Speaker of the Senate presented the report of the Treasurer of Tennessee, on the state of the finances; which report is ordered to the table.

Mr. Laughlin, Chairman of the committee, directed by a rule of the Senate to prepare and report rules for the government of the Senate, returned said report, as in and by said rule directed.

Mr. Jennings moved that the report of the committee on rules for the government of the Senate, be re-committed with instructions to report on the proposed amendment of the 44th rule by him submitted; which motion, with the amendment, was rejected.

Mr. Laughlin moved that the report of the committee on the rules for the government of the Senate, with the amendment offered by Mr. Jennings, be laid on the table; which motion prevailed.

Mr. Hardwicke, from the committee appointedto wait on his Excellency James K. Polk, Governor of Tennessee, reported that the committee had performed the duty assigned them, and that his Excellency would on to-morrow, at 10 o'clock, A. M., make his communication in writing.

Mr. Martin moved that the Senate take up the report of the committee on the rules for the government of the Senate; which motion prevailed.

Mr. Nelson moved that the committee set forth in the rules, reported for the government of the Senate by the committee, called "The committee on Federal relations," be stricken out; which motion was rejected.

On motion of Mr. Laughlin, the following rules and orders, for conducting the business of the Senate, reported by the chairman of the committee to whom the same was referred by a rule of the Senate, were adopted; which report is as follows, to wit:

RULES:

TOUCHING THE DUTY OF THE SPEAKER.

1st. He shall take the chair every day, precisely at the hour to which the Senate stands adjourned on the preceding day: shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2d. He shall preserve order and decorum, may speak to points of order, in preference to other members, rising from his seat for that purpose: shall decide questions of order, subject to appeal to the Senate by any two members, on which appeal no member shall speak more than once, unless by leave of the Senate.

3d. He shall rise to put a question, but may state it standing.

4th. Questions shall be directly put in this form, to wit, as many as are of opinion that (as the question may be) say aye, and after the affirmative will is expressed, as many as are of a contrary opinion, say no. If the Speaker doubt, or a division be called for, the Senate shall divide, those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5th. The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the Senate chamber. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6th. All committees shall be appointed by the Speaker, unless otherwise specially directed by the Senate, in which case they shall be appointed by the Senate *viva voce*, and if upon the first time of voting there is no election, there shall be a second voting, in which a plurality of votes shall prevail.

7th. In all other cases a majority of the votes given, shall be necessary to an election.

8th. In case of any disturbance or disorderly conduct in the lobby, the Speaker or chairman of the committee of the whole, shall have the power to order the same to be cleared.

ORDER OF THE BUSINESS OF THE DAY.

9th. As soon as the journal is read, the Speaker shall, through the clerk, call for petitions from Senators by districts, beginning with the most eastwardly and progressing westwardly. Reports from standing committees shall be next in order. Then reports from select committees.

10th. No member shall speak to another or otherwise interrupt the business of the Senate, or read any newspaper while the journals or public papers are reading, or when any member is speaking in any debate.

11th. Every member when he speaks, shall address the chair, standing in his place, and shall confine himself to the question under debate, and shall avoid personalities, and when he has finished, shall sit down.

12th. When two or more members rise at the same time to speak,

the Speaker shall determine who has the floor, but in all cases, the member who shall first rise and address the chair, shall speak first.

13th. If any member in speaking, or otherwise, transgress the rules of the Senate, the Speaker shall, or any member may call to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain, and the Senate shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be permitted to proceed without leave of the Senate, and if the case require it, he shall be liable to the censure of the Senate.

14th. If the member called to order by a Senator, for words spoken, the exceptionable words shall immediately be taken down in writing, that the Speaker may be better enabled to judge of the matter.

15th. No member shall absent himself from the service of the Senate, without leave first obtained, and in case a less number than a quorum of the Senate shall convene, they are hereby authorised to send the door-keeper, or any other person or persons by them authorised, for any, or all absent members, as the majority of such members present shall agree, at the expense of such absent member respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient.

16th. No motion shall be debated, until the same be seconded.

17th. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the Speaker or any member, delivered in at the table and read, before the same shall be debated.

18th. When a question is under debate, no motion shall be received, but to adjourn, lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

19th. If the question in debate contains several points, any member may have the same divided, but on motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

20th. In filling up blanks, the largest sum and longest time shall be first put.

21st. When the reading of a paper is first called for, and the same is objected to by any member, it shall be decided by a vote of the Senate, without debate.

22d. When the ayes and noes shall be called for by any two members, each member called upon shall, unless for special reasons to be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes upon the call of the Senate, the names of the Senators shall be taken alphabetically.

23d. When the ayes and noes shall be taken on any question in pursuance of the above rules, no member shall be permitted under any circumstances whatever, after the decision is announced from the chair.

24th. When a question has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken, shall have gone out of the possession of the Senate announcing their decision, nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

25th. Before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be verbally made by the introducer.

26th. Every bill shall be introduced by motion or leave, or by an order of the Senate, on the report of the committee. And all bills shall be despatched in the order they were introduced, unless when the Senate shall otherwise direct.

27th. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "shall this bill be rejected." If no opposition be made, or if the question to reject be negatived, the bill shall go to the second reading without a question.

28th. Before the second reading of the bill, the Speaker shall state it as ready for commitment, and if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Senate shall determine on what day.

29th. After commitment and report thereof to the Senate, or at any time before its passage, a bill may be re-committed.

30th. All bills ordered to be engrossed, shall be executed in a fair round hand.

31st. No amendment, by way of rider, shall be received to any bill on its third reading, nor shall any amendment be allowed to a bill upon any reading, foreign to its subject matter.

32d. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

33d. Bills coming from the House of Representatives shall have precedence of bills in the Senate on the same subject.

34th. In forming a committee of the whole, the Speaker shall leave the chair, and a chairman be appointed by the Speaker to preside in committee.

35th. Upon bills committed to a committee of the whole, the bill shall be read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

36th. All amendments made to an original motion in committee, shall be incorporated with the motions and so reported.

37th. All amendments made to a report, committed to a committee of the whole, shall be noted and reported as in case of bills.

38th. All questions whether in committee or in the Senate, shall be propounded in the order in which they were moved, except that of filling up blanks.

39th. The rules of the Senate shall be observed in committee of the whole, so far as applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

40th. No standing rule or order of the Senate shall be rescinded or changed, without one day's notice being given of the motion thereof. Nor shall any rule be suspended, except by a vote of at least two thirds of the members present.

41st. It shall be in order for the committee on enrolled bills, to report at any time.

42d. Messages may be introduced at any state of business, except while a question is putting, while the ayes and noes are taking, or while voting in an election.

43d. There shall be the following standing committees, to wit:

1st. A Committee of Privileges and Elections.
2d. Finance.
3d. Ways and Means.
4th. Claims.
5th. Education and Common Schools.
6th. Judiciary.
7th. Internal Improvements.
8th. Military Affairs.
9th. New Counties and County Lines.
10th. Public Lands.
11th. Penitentiary.
12th. Banks.
13th. On Federal Relations.
14th. Public Roads.
15th. Enrolled Bills.

44th. The previous question shall be in this form, "shall the main question be now put." It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendment and debate on the main question.

45th. When a bill is withdrawn for amendment, the same shall be returned in three days thereafter; all resolutions shall lie one day on the table before they receive the action of the Senate.

46th. After the morning business is gone through, the business before the Senate shall be taken up in the following order:

1st. Introduction of Bills and Resolutions.
2d. Resolutions which have been introduced shall be considered
3rd. House bills on their third reading.
4th. House bills on their second reading.
5th. House bills on their first reading.

6th. Senate bills on their first reading.
7th. Senate bills on their second reading.
All of which is most respectfully submitted.

S. H. LAUGHLIN, Chairman.

On motion of Mr. Martin,

Resolved, That there be printed for the use of the Senate, fifty copies in pamphlet form of the rules adopted for the government of the Senate at the present session.

On motion of Mr. Williams,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, October 7, 1841.

Mr. Speaker Turney presented the report of the Secretary of State, concerning certain acts and journals of the General Assembly of the State of Tennessee, and now in the office of said Secretary, under an act of the General Assembly, passed 29th of January, 1840.

And on motion of Mr. Laughlin, said report was ordered to lie on the table.

Mr. Speaker Turney presented the following communication from John S. Young, Secretary of State:

Secretary of State's Office,
October 7th, 1841.

To the Speaker of the Senate and House of Representatives: I have the honor herewith to transmit to your honorable body such duplicate sealed proposals for executing the printing and furnishing stationery and fuel to both Houses of the present General Assembly, as have been placed in my hands in conformity with the act of 1835.

Very respectfully,
JOHN S. YOUNG,
Secretary of State.

Which was read and ordered to the table.

Mr. Ledbetter submitted the following:

Resolved, That a joint select committee to consist of —— members of the part of the Senate and —— members on the part of the House of Representatives, be appointed to contract for the printing of the Laws and Journals of the General Assembly, and for such job printing as may be ordered by the two houses, and that the report of the Secretary of State, with the accompanying proposals, made in pursuance of an act passed 19th of February, 1836, be referred to said committee; which was read and ordered to the table.

On motion of Mr. Warner,

The Senate then took up the message from the House of Representatives, proposing the appointment of a committee on part of the Senate, to act in conjunction with a committee appointed by the House, to prepare and report joint rules and orders of conference between the Senate and House of Representatives; which being read, was concurred with.

The Speaker then appointed, Messrs. Foster, Williams, Johnson, and Miller of committee on part of the Senate.

John S. Young, Esq., Secretary of State, presented a message in writing from his Excellency James K. Polk, Governor of the State of Tennessee; which was read at the clerk's table.

On motion of Mr. Waterhouse,

It is directed by the Senate and so ordered, that five thousand copies of the Governor's Message be printed for the use of the Senate.

Mr. Laughlin moved an amendment to the motion of Mr. Waterhouse, proposing that one hundred copies of the Governor's Message, with the accompanying documents, be printed for the use of the Senate; which motion Mr. Laughlin withdrew.

Mr. Foster submitted the following:

Resolved, That the Senate meet the House of Representatives upon the 9th instant in their hall, to compare the votes cast for Governor in the election of 1841; and on motion of Mr. Ledbetter,

The rule requiring the resolution to lie one day on the table being suspended; said resolution was adopted.

Mr. Johnson moved—

That the documents accompanying the Message of his Excellency James K. Polk, and therein referred to, be read; which motion prevailed; a part of said documents being read at the clerk's table; when on motion of Mr. Warren, the further reading of said documents was suspended.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to inform the Senate that the House of Representatives have had under consideration the resolution which they adopted, proposing to meet the House on the 9th instant and compare the votes cast for Governor in the year 1841, and have concurred therein.

And then he withdrew.

Mr. Ashe submitted the following:

Resolved, That the Senate meet the House of Representatives in their hall, on Monday, the 11th instant, for the purpose of electing a Solicitor General for the 9th judicial district.

And the rule being suspended, the resolution was adopted.

On motion of Mr. Foster,

The Senate adjourned until 2 o'clock.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Speaker Turney appointed the following standing committees:

On Privileges and Elections:

Messrs. Jennings, Matthews, Powell, Ross, and Sevier.

ON WAYS AND MEANS:

Messrs. Ledbetter, Reneau, Miller, Waterhouse, Frey, Warner, and Ross.

ON FINANCE:

Messrs. Johnson, Gardner, Motley, Hardwicke, Miller, and Williams.

ON CLAIMS:

Messrs. Warner, Ledbetter, Williams, Maclin, Martin, and Peyton.

ON EDUCATION AND COMMON SCHOOLS:

Messrs. Martin, Ashe, Nelson, Laughlin, and Warner.

ON THE JUDICIARY:

Messrs. Foster, Laughlin, Nelson, Gardner, Martin, Ross, and Maclin.

ON INTERNAL IMPROVEMENTS:

Messrs. Nelson, Hardwicke, Foster, Johnson, Warner, Gardner, Bradbury, and Laughlin.

ON MILITARY AFFAIRS:

Messrs. Bradbury, Sevier, Matthews, Powell, and Waterhouse.

ON NEW COUNTIES AND COUNTY LINES:

Messrs. Peyton, Miller, Powell, Ledbetter, and Laughlin.

ON THE PENITENTIARY:

Messrs. Hardwicke, Motley, Johnson, Frey, and Jennings.

ON BANKS:

Messrs. Laughlin, Jennings, Ross, Maclin, Martin, Powell, Foster, Motley, and Williams.

ON PUBLIC LANDS:

Messrs. Maclin, Miller, Foster, Gardner, Reneau, and Matthews.

ON PUBLIC ROADS:

Messrs. Powell, Johnson, Bradbury, Frey, and Williams.

ON FEDERAL RELATIONS:

Messrs. Laughlin, Martin, Gardner, Foster, and Ashe.

ON ENROLLED BILLS:

Messrs. Frey, Sevier, and Waterhouse.

Mr. Williams submitted the following:

Resolved, That the clerk, under the direction of the Speaker of the Senate, be authorised to contract for the necessary stationery for the use of the Senate; and the rule being suspended, the resolution was adopted.

Mr. Laughlin submitted the following:

Ordered, That the clerk of the Senate employ J. G. Harris, the public printer employed by the last Senate, to do such job printing as may be required by the Senate, until otherwise ordered.

Mr. Foster submitted the following:

Resolved, That the subject matter of the Governor's Message, with the accompanying documents, be referred to the appropriate committees.

Mr. Laughlin submitted the following:

Resolved, That a select committee of five be appointed to examine the documents accompanying the Governor's Message, with instructions to examine and report what portion of the same ought to be printed with the Message, and what portion it may be inexpedient to print.

Mr. Speaker Turney appointed Messrs. Laughlin, Ledbetter, Peyton, Ashe, and Waterhouse, to be said committee.

Mr. Jennings moved that the door-keeper be authorised and directed to procure six additional chairs for the use of the Senate; which was adopted.

Mr. Gardner introduced a bill to repeal the 3d and 4th sections of the act of 1811, chapter 113; which was read a first time and passed.

Mr. Foster, from the joint select committee appointed to draft and prepare rules to regulate the intercourse between the two branches of the General Assembly, reports that the committee had instructed him to submit the following rules, and ask their adoption:

JOINT RULES OF THE TWO HOUSES,

FOR THE FIRST SESSION OF THE TWENTY-FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

1st. In every case of amendment of a bill agreed to in one house and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee, such committees shall at a convenient hour to be named by their chairman, meet in conference, and state to each

other verbally or in writing, as either shall choose, the reasons of their respective houses, for and against the amendment, and confer freely thereon.

2d. Messages shall be sent by a clerk.

3d. When a messenger shall be sent from the Senate to the House of Representatives, he shall be announced at the door of the House by the door-keeper, and he shall respectfully communicate his message to the chair.

4th. The same ceremonies shall be observed when a messenger is sent from the House of Representatives to the Senate.

5th. All bills on passage between the two houses, shall be under the signature of the clerk.

6th. Bills shall be enrolled by the clerk of the House, or the clerk of the Senate, as the same may have originated, in the one or the other house.

7th. The committee of Enrollments, on Finance, on Banks, and on the Penitentiary of both houses, shall be joint committees.

8th. After examination and report, bills shall be signed first by the Speaker of the House of Representatives and then by the Speaker of the Senate.

9th. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be given to the house in which it passed.

10th. Each house shall transmit to the other all papers upon which any bills or resolutions are founded.

11th. All bills which may have passed a third time, shall be engrossed in a fair hand and certified by the clerk of the house in which they may have originated, before being sent to the other; all of which is respectfully submitted.

ROBERT C. FOSTER,
Chairman of the Committee of the Senate.
JOHN H. DEW,
Chairman of the Committee of the House of Representatives.

And the sense of the Senate being had thereon, said reported rules were concurred with.

Mr. Martin submitted the following:

Resolved by the Senate, That the clerk shall preserve for each member of the Senate, an extra copy of all the documents printed by order of the Senate at its present session.

Message of the Governor of Tennessee to the twenty-fourth General Assembly of the State.

Fellow-Citizens of the Senate,
and of the House of Representatives:

In discharging the duty devolved upon me by the Constitution, by "giving to the General Assembly information of the State of the Government, and recommending to their consideration such measures" as are deemed to be "expedient," it is a source of satisfaction to believe that, within the last two years, nothing has occurred in the State Administra-

tion to diminish or impair the prosperity of our people, or the growing importance of the State as a member of the Union. Order has prevailed, and the laws, as far as I am informed, have been faithfully executed. All the elements of our accustomed prosperity, afforded by a genial climate and a fertile soil, the enjoyment of usual health, and the inestimable blessing of civil and religious liberty, continue to exist. A people thus favored over millions of the human race in other parts of the world, should be ever mindful of the high obligations they owe to the author of all good, in whose hands are the destinies of nations and of men, and upon whose w·e councils they are dependant for the preservationn and continuance o' hese blessings.

'hilst the products of the labor of the agriculturist have been rewarded with fair prices, habits of frugality and economy, within the last two years, have been in a great degree substituted for that spirit of extravagance and speculation which had for some years prevailed in every portion of the Union. Prudent men, with few exceptions, chiefly among the mercantile and trading classes, who had extended their business and speculations beyond their means, and become too deeply involved entirely to recover, have been enabled to relieve themselves from much of the pecuniary pressure and embarrassment under which they labored.

Ours is essentially as agricultural S . . Nineteen-twentieths of her population are cultivators of the earth. .d the protection of their interests therefore, at the same time that .e just rights of others shall not be impaired, should at all times be an object of paramount consideration.

It has but too frequently happened that the course of legislation and the operations of Banks, in many of the States, have been made to take a direction to favor the supposed or real interests of large dealers and speculators, to the manifest prejudice of the farming and planting classes. What the farmer or planter should most desire is a regular course of policy, steadily pursued, by which prices may remain settled and not be subjected to great and sudden changes, often brought about by extended Bank credits to a small class who have overtraded or engaged in vision- · · or disastrous speculation.

'here is reason to believe that it was by a course of favoritism of this k , in extending enormous loans to a few large commission and trading-houses, to the almost total exclusion of smaller dealers and the body of the community that much of the embarrassments which fell upon our Banks a few years ago and through them upon the people, is mainly to be attributed.

The suspended debts of our Banks, it is believed, will be found to consist chiefly, in demands against a very few of the larger borrowers, with some of whom it is known they have been compelled for their own security to compound by the purchase of real estate and other property, which has become for a time dead in their hands, and is alike unavailable to themselves as Banking institutions, and to the community as affording to them the means of furnishing to the people a sound convertible currency. It is understood that our Banks are now rapidly converting these and other unavailable, into available means, thus placing themselves in a position of increased strength; and it is hoped they may, for the future, profit by the experience of the past.

Other causes which contributed to the embarrassment of our Banks in common with most of the Banks of other States, upon the occurrence of the general commercial revulsion which took place in May, 1837, were so fully presented in my message to the last General Assembly, that it is deemed unnecessary again to refer to them in this communication.

It was hoped and believed when the Banks of the State suspended the payment of specie a second time, near two years ago, that it would be of temporary duration. In the reports made to the General Assembly at its last session by the Boards of Directors of the Union and Planters' Banks, assurances were given that they were fully solvent, that they would be prepared to meet all their liabilities at an early day, and that they considered "their suspension as temporary." The General Assembly having adjourned without any legislative action on the subject, I regret to say that all the Banks of the State, except the Branch of the South Western Rail Road Bank at Knoxville, still continue in a suspended state. If the question of resumption be left to the voluntary action of the Banks, this state of things may continue for an indefinite period of time. And the question arises whether the duty does not devolve on the General Assembly, as the immediate guardian of the interests of the people, to adopt suitable measures, at their present session, requiring these institutions to return to cash payments. Whilst the suspension continues, the tax upon the active industry and labor of the State, imposed by the depreciation of their paper issues, must continue to be borne; and whilst the people are suffering the loss to the amount of this depreciation, as they have done for the last two years, it is understood that two of our principal stock Banks (the Union and Planters' Banks) have since your last adjournment declared a dividend of profits among their stockholders. This is so manifestly improper, that I am constrained by a sense of duty to bring the fact to your notice. Principles of common justice require that they should pay their debts to the community before they divide profits among their owners.

During periods of suspension, Banks, owned by individual stockholders, tempted by a desire to enlarge their profits, often unduly extend their business, and generally at the expense of the community in which they exist.. There is no sound principle of ethics or of public policy which should exempt Banks from the moral and legal obligations which rest upon individuals to pay their debts. They are generally composed of wealthy capitalists who have thrown their joint funds together, and under a legislative charter of incorporation, engaged in the business of banking with a view to make profit. They are usually invested with exclusive rights and privileges which are withheld from the balance of the community; and in consideration of these, they contract certain duties and obligations to the public which they should be required strictly to perform. The most important of these, is to pay their liabilities in specie on demand, and I recommend to the consideration of the General Assembly the necessity of making suitable provision by law to enforce the faithful observance of this, as well as of all other obligations which they have contracted. Let a future day be fixed upon which they shall be required to resume, giving them reasonable and sufficient time to prepare to do so, without oppressing their debtors. In fixing a future day for re-

sumption, the occasion may be a fit one to impose such additional restrictions, liabilities and penalties, as experience may have shown to be necessary to guard the public against future suspensions. If the Banks have violated their charters, the General Assembly possess the undoubted power to impose such restrictions, liabilities and penalties, as conditions upon which they may be permitted to continue the exercise of their corporate privileges. To ensure resumption on the day which may be fixed, and a faithful observance of their obligations afterwards, it must be made the interest, as well as the duty of the Banks, to conform to the Legislative requirements, by keeping their business in such condition as to avoid future suspensions. As means likely to effect objects so desirable, I submit to the consideration of the General Assembly that they should not be permitted, during the period of their suspension, and for a limited time after resumption, to declare any dividends of profits to their stockholders, and that a general provision should be made by law requiring any of the Stock Banks which shall, after the day which may be fixed for their resumption, again suspend for a greater period than a specified number of days in any one year, to be placed in the hands of commissioners for liquidation and final settlement of their affairs.

It is believed to be far better for the community that all the Stock Banks, which may so manage their business as to be unable to pay promptly the demands upon them, should wind up their affairs, and let their places be supplied, if the interests of the State shall be found to demand it, by an enlargement of the capital of the Bank of Tennessee, owned exclusively by the people of the State, and under the sole control of their immediate Representatives. To sanction by the silence and acquiesence of the public authorities repeated suspensions, and often for long periods of time, is to tolerate a legalized fraud upon the note-holders as impolitic as it is unjust. The loss sustained by the people by the depreciation of Bank paper since the last suspension of our Banks, has been far greater than the whole amount of the annual tax which they are required to pay for the support of the State Government, as will be manifest by adverting to a few facts. The average amount of Bank notes of all the Banks in the State in circulation during the last two years, it is estimated will not vary much from three millions of dollars. The average rate of depreciation of these notes during the same period below specie, has been about $8\frac{1}{2}$ per cent., being sometimes at 6, and at others 11 per cent.—The heavy loss has fallen upon the people; every note-holder bearing his proportion, whilst the Bank-owners, as we have seen, have been dividing profits among themselves.

As far as my information enables me to judge, our Banks are believed to be in a solvent condition, and could, if reasonable time be given, be prepared to resume payment permanently, without inconvenience to themselves or oppression to their debtors. The interests of the public in my judgment demand it, whilst none of the rights of the Banks themselves will be infringed or impaired if they shall be required to do so. Unless efficient Legislative action be had on this subject, the public can have no guaranty at what period the principal Stock Banks may resume, for it is a fact worthy of observation, that much the larger portion of their capital stock, it is understood, is owned by citizens of the eastern cities and

of other States; and however much the local stockholders may be disposed, from a sense of propriety and duty, to return to cash payments, they may, and probably will, be controlled in their policy by their non-resident co-partners, who have no interest in common with the community in which these institutions exist, and who may be contented that they shall remain in their present suspended condition so long as they can receive their accustomed dividend.

This is not the first time we have had a suspension by the Banks for a protracted period in this State. In 1819, the Banks, not only of this State, but generally throughout the Union, suspended payment. In 1821, and again in 1823, the General Assembly passed laws requiring them to resume, and in pursuance of these laws they did resume in 1824 and and 1825. During this long suspension of five years or more, the depreciation of their paper was greater than it is at present, being at sometimes as great as 25 and 30 per cent. This heavy loss upon the community would doubtless have continued longer than it did at that time, but for effective Legislative interposition. At that time, as at the present, it was urged, chiefly by the banks themselves, their debtors, and those who hoped to obtain further loans, that it was against the public policy to force or require resumption, because it was said, the specie in their vaults would be taken from the State, and their immediate debtors, and through them the community oppressed.

The General Assembly thought otherwise. They passed laws requiring them to pay their debts, under pain of losing their charters. They did resume and no such consequences as had been predicted followed; and the opinion is confidently entertained that no such consequences as are now predicted would follow a resumption, especially if reasonable time be given to the Banks to prepare for the same; but on the contrary, that the public interest would be greatly promoted by it.

The evil consequences apprehended by many as likely to follow resumption by the Banks of our State whilst the Banks of other States remain suspended, it is believed are more imaginary than real. The banks of New York and of the States east of her, it is known, did not yield to the suspension which took place in Pennsylvania and other States in her neighborhood, in October, 1839; but have continued to pay specie and to maintain a sound convertible currency. The Bank of Missouri did not suspend at that time because those of the States adjacent to her territory did so, but continued to pay specie. In the specie paying States the money market is easy, and there is no pressure on the people. The Banks on returning to cash payments should be in a position of strength, and may for a time, and until general confidence is restored, deem it prudent somewhat to restrict their business; but this cannot operate as any general or permanent inconvenience to the public, and would be much more than counterbalanced by the sound state of currency which would be restored. To wait for the action of other States, is to make our policy dependant upon theirs, whilst they in turn may make theirs dependant on ours, and thus the suspension be continued much beyond the period when all solvent Banks could be in condition to pay. The General Assembly of 1821 and 1823, did not wait for the uncertain action of other States, but required our Banks to resume without reference to what their course

might be. If this State leads off and manifests a fixed purpose to require her Banks to pay, there can be but little doubt that the other States in the south and south-west will soon follow her example.

The whole subject is submitted to your deliberate consideration, in the full confidence that you may adopt such measures as will protect the interests of our common constituents from the heavy losses which they have borne and still bear by the failure of the Banks to perform their chartered obligations.

In the Bank of Tennessee every citizen has a direct interest. Owned as it is exclusively by the State, it should receive the constant and fostering care and attention of the General Assembly. That institution, I am happy to state from information derived from its officers, is in a perfectly solvent condition, and can be prepared to resume payment permanently at the earliest future day which may be designated for resumption by the Stock Banks. Should that Bank be required to resume without the co-operation of the Stock Banks in its immediate neighborhood, it would probably be compelled for a time somewhat to restrict its business to avoid embarrassments from their operations. To avoid this, all the Banks of the State should be required to resume at the same time.

Since your last adjournment, and in pursuance of the act of the 28th of January, 1840, entitled "an act to provide for the reduction of the State debt," I have caused to be cancelled and destroyed, fifteen hundred State Bonds of one thousand dollars each, which had been issued by my predecessor, and placed in the Bank of Tennessee for the purpose of being negotiated to raise one million five hundred thousand dollars as a part of the capital of that Bank. The actual capital of the Bank on the 1st day of October, 1841, was three millions one hundred and twenty-two thousand seven hundred and forty-six dollars and eighty-six cents, and consist of

Proceeds of sale of six per cent. State Bonds,	$1,000,000 00
School Fund collected & proceeds of sales of Ocoee lands,	769,537 31
United States surplus revenue on deposite with the State,	1,353,209 55
	$3,122,746 86

The Bank is required to pay annually out of its nett profits $118,000, for the support of Common Schools and County Academies; the annually accruing interest on the Bonds of the State negotiated to raise $1,000,000 of its own capital, and the interest on the Internal Improvement Bonds, which have been or may be issued. The total amount of the State Bonds which have been issued up to this date for purposes of Internal Improvement under the acts of 1836, 1838 and 1840, the interest upon which the Bank is required to pay, is, $1,816,916 66 2-3. Of this amount $300,000 bearing an annual interest of 5 per cent., were issued on the 2d of July, 1838, for the improvement of rivers, but not having negotiated remain on deposite in the Bank, and no interest has been paid thereon.—Exclusive of the River Bonds the total amount issued is $1,516,916 66 2-3 cts. Of this latter amount, $263,166 66 2-3 bear an annual interest of 5½ per cent., and $1,253,750 bear an annual interest of 5 per cent. Of the Bonds issued under the act of 1836, bearing an interest of 5½ per cent., $66,666 66 2-3 were issued to pay the State subscription

in the Nashville, Murfreesborough and Shelbyville Turnpike Road Company, and by the stipulations of the company, the interest on this amount has heretofore been punctually paid by them as it fell due, leaving the interest to be paid by the Bank on $196,500 of the 5¼ per cent. bonds.—The annual liabilities of the Bank, therefore, are as follows :

Appropriated for Schools and Academies,	$118,000 00
Interest on Improvement Bonds $196,500, at 5¼ per cent.	10,316 25
Interest on Improvement Bonds $1,253,750, at 5 per cent.	62,687 50
Interest on Bonds, Bank Capital $1,000,000, at 6 per cent.	60,000 00
	$251,003 75

The nett profits of the Bank and branches during the year ending on the 1st of July, 1841, are estimated by the President of the Bank at $260,000.

The annual liabilities of the Bank will be increased, by the interest to be paid on any additional amount of Internal Improvement Bonds which may be hereafter issued in pursuance of law, and will be diminished by the amount of the State dividends, which may hereafter be declared by the several Internal Improvement Companies in which the State is a stockholder. Most of the works of Internal Improvement in which the State is a stockholder are as yet in an incomplete state, and no tolls have been collected, or dividends declared thereon. Upon some of them which have been completed in part, or in whole, toll-gates have been authorised to be erected, and the Companies are now receiving tolls, but of so recent a date, that no dividends have been paid to the State, except by a single Company, amounting to $1.620.

It is believed that some of the principal roads will, when completed, yield a profit fully equal to the interest to be paid on the Bonds issued for their construction, whilst others will fall short of that amount, leaving the deficiency to be paid by the Bank.

The Bank has heretofore met those liabilities with promptness and fidelity, and no doubt is entertained, that under proper management it will continue to do so. The interest on the State Bonds has been paid on demand in specie as it fell due, and the good faith and honor of the State preserved. In view of its annual liabilities, it is of great importance that the Institution shall be prudently managed, and kept in a sound condition. If from mismanagement or other casualty the Bank should fail by its profits to meet the demands upon it, the deficiency must be supplied by a tax on the people It is deemed to be essential to the safe and successful operations of the Bank, that a greater power of control over the branches than now exists, should be invested in the principal Board of Directors. There must be an adequate power of control in the head, otherwise, uniformity of action in the branches cannot be expected. In the absence of such a power, a single branch may embarrass the whole Institution. Whilst one branch may be expanding, another may be contracting its business, thus acting, each without concert with the other, or a common object in view, and rendering the operations of the Institution as a whole at all times uncertain, if not unsafe. By the provisions of the existing laws the branches, though in many respects, connected with the principal Bank, are practically and in effect independent of it. The princi-

pal Board may *recommend* the policy and course of business to be pursued. But the branches may disregard the *recommendation* as they have repeatedly done since the establishment of the institution. An instance of this, among others which might be stated, is to be found in the expenditure by the branches since the Bank went into operation, and without the authority of the principal Board, of $71,285 82, in the purchase of lots and the erection of Banking houses; and the President of the principal Bank estimates that $10,000 more will be expended by the branches for the same purpose to meet existing contracts which they have made. That this departure by the branches from the course *recommended* by the principal Bank may be more clearly seen, it is only necessary to advert to the report made by the President of the Bank to the last General Assembly. In that report it is stated that "the principal Bank shortly after it commenced business, finding a disposition in some of the "branches to erect banking houses, adopted a resolution" That in the opinion of this Board, it is inexpedient to invest at this "time any portion "of the capital or profits of the Bank in the purchase of ground, or the "erection of a Banking house, either for the principal Bank or any of its "branches, a copy of which was forwarded to the several Branches, "with a *request* that they would adopt a similar course."

No Banking house was erected by the principal Bank. The branches disregarded the *request*, and have gone on to purchase ground, and erect houses at the expense already stated.

It is further respectfully submitted to your consideration whether the safety of the public funds, as well as the permanent success and usefulness of the Bank, would not be promoted by lessening the number of the branches. If such reduction of their number shall be deemed proper, and shall be made with due discrimination, regard being had to the commercial wants and interests of the several divisions of the State, it is believed that no local or public injury would be suffered, whilst the annual expenses would be reduced, and the institution itself be placed on a firmer and safer basis, than is likely to exist, with the present number of branches.

I have received from the President of the South Western Rail Road Bank of Charleston, South Carolina, a statement of the affairs of that Bank, and of the branch thereof located at Knoxville, in this State, with a consolidated statement of both as they stood on the 1st day of October, 1840, which I herewith lay before the General Assembly in conformity to the provisions of the 9th section of the act passed at Nashville, December 5th, 1837, entitled "an act to confer Banking privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions." The capital stock furnished by the principal Bank to the branch at Knoxville was ONE HUNDRED THOUSAND DOLLARS. That Bank, much to the credit of its managers, has paid specie on demand for all its liabilities from the date of its establishment.

The laws prohibiting the issuance, or circulation of change tickets or small paper bills by individuals and Corporations other than Banks, have been evaded, and will require revision. Some of the Internal Improvement Companies in which the State is a copartner, it is understood, have

issued small paper bills in the form of scrip or checks, and put them into circulation as money, without any specie basis upon which to rest, and without authority of law.

The Bank of Tennessee by a wise provision in the act creating it, is restricted from issuing any note of less denomination than ten dollars, whilst the Stock Banks are in like manner prohibited from issuing any note of less denomination than five dollars.

The object of the General Assembly in imposing these restrictions was, doubtless, that the channels of circulation under these denominations should be supplied by the precious metals. That object is thwarted whilst individuals, commercial houses, or incorporated improvement Companies are permitted, by an evasion of the law and the well known intention of the General Assembly, to put into circulation a base and in many instances, worthless currency, which usually falls ultimately upon the holder, who has given his labor or his property for it, either wholly useless or at a ruinous depreciation; thus operating as a tax and a fraud upon the public. Whilst a spurious currency of this description is permitted to circulate, the precious metals of the same denomination will be banished from circulation and general use, and will only be obtained through the hands of brokers and others as an article of merchandise.—On the other hand, if the smaller denominations of paper bills are prohibited from circulation by adequate penalties, the laws of trade, and the public wants will force the metals to take their places, whether the local Banks pay specie or not, as naturally and as certainly as that water will seek its level. I recommend therefore, that after a future day to be designated, the issuance or circulation by individuals or Corporations of all paper bills under five dollars, be absolutely prohibited under adequate legal penalties, and if it shall be deemed necessary, in order to guard against any public inconvenience for the want of specie change, the Banks may be required to pay the smaller denominations of their notes at an earlier day than that fixed for the general resumption.

The system of Internal Improvement established by the act of 1836, and extended by the act of 1838, has been executed in strict conformity to the provisions of the act passed on the 25th of January, 1840, entitled "an act to repeal all laws authorizing the Governor of this State to subscribe for stock in any Internal Improvement Companies on behalf of the State, and for other purposes." All Internal Improvement Companies falling within the provisions of the latter act have been required to conform their action to it. A few of the companies at first objected to the constitutional validity of the act, but finally yielded to its requirements; and I cannot doubt that its operation has been such as to protect the State from impositions which might otherwise have been practised under the unguarded provisions of the acts of 1836 and 1838. At the same time that the State has probably been saved from an increased indebtedness to a large amount, no injustice has been done to the Companies. In all cases of application for State Bonds, in payment of the State subscription since the passing of the act, the affairs of the Company making such application have been subjected to the scrutiny of three disinterested commissioners appointed for that purpose; who have been required to examine and inspect the work actually done and performed—what por-

tion of the same had been paid for in labor, or the actual expenditure of money, paid in by the individual stockholders, and what portion by the payment of State Bonds, issued for the benefit of such Company—to inspect the books and investigate the affairs and accounts of the Company, and if upon their report on oath, it appeared that the Company making the application had conformed in all respects to the provisions of its charter, and that no fraud had been practised on the State, the amount of State Bonds to which such Company was shown to be entitled, were ordered to be issued by the Internal Improvement Board created by the act, consisting of the Governor, Comptroller and Attorney General, and were issued accordingly. In all cases where the reports of the commissioners appointed to make the investigation have not been fully satisfactory, the Bonds of the State have been withheld.

The Attorney General has filed bills, which are now pending, against two of the Companies in which the State has become a stock-holder, for alledged violations of their Charters.

None of the Companies in which stock had "been subscribed on behalf of the State" have availed themselves of the provisions of the 2d and 3d sections of the act of 1840 by making a "surrender of the Charter of such Company" to the State. Several of them, however, in which a subscription of stock on behalf of the State had been made in the year 1838 and the early part of 1839, and for whose use no State Bonds have been issued, it is understood have not commenced their respective works and will probably abandon them. Of this class are the following Companies, viz:—the Livingston Turnpike Company, the Murfreesborough, Manchester and Winchester Turnpike Company; and the Harpeth and Farmington Turnpike Company.

In addition to these a subscription was made on behalf of the State in the Fayetteville and Shelbyville Turnpike Company on the 7th day of Sept. 1838, and on the 5th day of November, 1838, Bonds of the State for $16,000 for the use of the Company were issued by the Governor and deposited in the Bank of Tennessee, where they still remain, not having been called for, and no interest having been paid thereon. I am informed that no work has been done on the road, and that it will probably be abandoned. The aggregate amount of stock subscribed for on behalf of the State in these several Companies was $245,000, and by the failure of the Companies to prosecute their respective works according to their Charters, will not probably be required to be paid by the issuance of State Bonds. Of this amount the $16,000 of State Bonds which were issued for the use of the Fayetteville and Shelbyville Turnpike Company may in the event of the abandonment of that work, be cancelled and destroyed. Upon the application of the Nashville and Kentucky Turnpike Company, the capital stock as prescribed by the charter has, in pursuance of the 8th section of the act of 24th January, 1840, been reduced from $125,000 to $100,000; thus reducing the State subscription from $62,500 to $50,000.

Pursuant to the provisions of the act of 1838, the Governor subscribed on behalf of the State, for $650,000 of the stock of the Louisville, Cincinnati and Charleston Rail Road Company, and on the 21st of January, 1839, State Bonds amounting to $32,000, in part payment of the State

subscription, were issued, and are now in the possession of that Company, but no interest has been paid thereon by the State. During the past year, it became my duty in pursuance of law to appoint a proxy to attend and represent the State of Tennessee at a meeting of the Stockholders of the Company holden at Charleston, in the State of South Carolina, in the month of November, 1840.

J. G. M. RAMSEY, of Knox county, was appointed the proxy to represent the State at that meeting, from whom I have received three official communications, bearing date on the 10th of Dec. 1840, and on the 24th and 27th of Sept. 1841, which I herewith lay before you. I have received also a communication from the President of the Company bearing date on the 11th of March, 1841, and which is herewith laid before you.

From both of which it will be seen, that the Company propose to abandon the work within the State of Thennessee, to release the State from her subscription, and to return to be cancelled the $32,000 of State Bonds issued by her, upon the payment on her part of the rateable proportion of the expenses which have been incurred by the Company in making surveys and in preparing to enter upon the execution of the work. To carry into effect the proposition of the Company, will require the assent of the State by Legislative act; and it is recommended that such assent be given at your present session. Should such assent be given, and the several Internal Improvement Companies already mentioned as likely to abandon their respective works, do so, the liabilities of the State under subscriptions heretofore made, will be reduced by the sum of $907,500, as follows, viz:

State subscription in the L. C. and C. Rail-Road Company,	$650,000 00
State subscription in the Livingston Turnpike Company,	25,000 00
State subscription in the Murfreesborough, Manchester and Winchester Turnpike Company,	100,000 00
State subscription in the Harpeth and Farmington Turnpike Company,	30,000 00
State subscription in the Fayetteville and Shelbyville Turnpike Company,	90,000 00
Reduction of the Capital Stock in the Nashville and Kentucky Turnpike Company,	12,500 00
	$907,500 00

Exclusive of these, the whole amount of the State's liabilities upon her subscriptions to Internal Improvement Companies—upon the supposition, that the whole capital stock of each Company will be exhausted, in constructing the several works, which is not probable—is $2,246,666-66 2-3, of which State Bonds have been issued, amounting to $1,516,-916 66 2-3, and leaving a balance to be issued to complete the payment of the whole of the State subscriptions of $729,750.

As connected with our system of Internal Improvement doubts have arisen under the existing laws, to whom the dividends, belonging to the State, which may be declared by the several Internal Improvement Com-

panies in which she is a stockholder, shall be paid, and it will be proper to make more specific provision upon the subject. It is suggested that they be required to be paid semi-annually or annually, as they may be declared to the Bank of Tennessee and its branches. It is further suggested that the several Companies in which the State is a stockholder and which are completed in whole or in part, and are collecting tolls, be required to report to the Comptroller of the Treasury, at least once in each year, their financial condition—with the amount of State dividends which they have paid over to the Bank and its Branches. The whole public debt of the State, consists at this time of the following—viz:

State Bonds issued and proceeds invested in stock of the Union Bank of Tennessee, bearing an interest of 5 per cent., which is paid semi-annually by the Bank,	$500,000 00	
State Bonds issued and proceeds invested in capital of the Bank of Tennessee, bearing an interest of 6 per cent.	$1,000,000 00	
State Internal Improvement Bonds bearing an interest of 5¼ per cent.	$263,166 66 2-3	
State Internal Improvement Bonds bearing an interest of 5 per cent.	$1,253,750 00	
		$3,016,916 66 2-3

The $300,000 of State Bonds bearing an interest of 5 per cent., issued for the improvement of Rivers, but not yet sold, are not included in the amount of the State debt. The debt has many years to run before it falls due, and to meet it the State owns

Stock in the Union Bank of Tennessee	$646,600,00	
Capital in the Bank of Tennessee, being proceeds of Bonds sold, and exclusive of School fund	$1,000,000 00	
Stock paid into Internal Improvement Companies, *by State Bonds* issued.	$1,516,916 66 2-3	
		$3,163,516 66 2-3
If the surplus revenue of the United States, now on deposite with the State, should not be recalled by the United States, that sum may be added.	$1,353,209 55	
		$4,516,276 21 2-3

With these means added to the annually accumulating profits of the Bank of Tennessee, under prudent and proper management, there can be but little danger, that a resort to taxation can be necessary to enable the State to meet it, at its maturity.

I consider it wise however, and so recommend, that provision be made by law, that any surplus profits which may at any time be made by the Bank of Tennessee, after paying its annual liabilities, shall constitute a sinking fund, to be applied to the purchasing in of the Bonds of the State, which have been issued at their selling rate in the market. By adopt-

ing this course, adhering to strict economy in the State administration, and husbanding all our resources, it is believed that the payment of the debt which now exists, and that which the State is bound in honor and good faith by existing engagements to contract, may be gradually anticipated long before it shall fall due. I have never been the advocate of a large State debt; and my opinion is that all our surplus means, not absolutely needed for other purposes, cannot be better applied than in the extinguishment of the existing debt.

The balance in the Treasury of the State on the 1st Monday of October, 1841, was $189,590 47. The receipts into the Treasury from the 1st Monday of October, 1839, to the 1st Monday of October, 1841, including the amount annually appropriated under the existing laws for the support of Common Schools and Academies, were $543,739 79. The expenditures during the same period including the payment made for the support of common Schools and Academies were $470,748 75. Exclusive of the amount received and expended for the use of Common Schools and Academies, the receipts into the Treasury during the same period were $275,839 79, and the expenditures $254,931 93.

Full and detailed statements will be found in the report of the Comptroller of the Treasury which will be laid before you as required by law.

The report of the Superintendent of public Instruction, which will be laid before you during the first week of your session, will inform you of the progress of the system of education committed to his superintendence and management—of the collections of Common School funds which have been made since your last session, and of the present amount and condition of the debt due to the School fund by county agents and others. The School fund collected and invested according to law on the 1st day of October, 1841, consists of

Stock in the Planters Bank	$244,500 00
Stock in the Union Bank	$38,894 00
Stock in the Farmer's & Mechanic's Bank at Memphis	$700 00
Stock in the Bank of Tennessee	$769,537 31
	$1,053,631 31

A suit in Chancery has been instituted, and is now pending against the late Superintendent of Public Instruction and his securities, for the recovery of the large balance remaining in his hands and unaccounted for at the close of his term of service. But little doubt is entertained that a recovery will be had, and it is believed a greater part, if not the whole amount abstracted from the School fund will be collected.

In pursuance of an act entitled "an act to carry into operation the Lunatic Hospital," passed January 6th, 1840, *seven trustees* were appointed on the 13th of February, 1840, under whose direction, the Hospital was shortly afterwards put into operation. In consequence, however, of the limited appropriation made by that act, it has been found impossible to receive several "insane paupers," for whose admission into the Institution, application was made. It is submitted to your consideration whether suitable provision should not be made for the reception and accommodation of all unfortunate persons in the State for whose benefit

the institution was established, and for whose admission application may be made.

A report will be made to you during the session, by the attending Physician of the Hospital, who is by law constituted Chairman of the Board of Trustees, containing such information and making such suggestions in regard to the condition and further management of the institution as may be deemed useful in your deliberations upon the subject. I am informed, that arrearages, amounting to the sum of $2,942 34 for work and labor done by Mechanics on the buildings occupied as a Hospital previous to the meeting of the last General Assembly, and upon contracts made with the Commissioners under whose superintendence and direction the Hospital was at that time placed, are still outstanding and unpaid—no appropriation applicable to that object having been made. When the Trustees, appointed under the act of January 6th, 1840, entered upon the discharge of their duties, the persons to whom these arrearages were due, claimed a lein upon the buildings until they were satisfied, but for the public convenience yielded up the possession of them in the just confidence that the present General Assembly would make provision for their payment;—and it is recommended that provision be made for the payment of all such claims as may be found equitable and just.

A detailed statement of the condition and government of the Penitentiary will be laid before you at an early day of your session in the reports which will be made by the Agent and Keeper and Inspectors of that Institution. The number of Convicts in the prison on the 30th of September, 1841, was 178. The number discharged by the expiration of their sentence during the two years, commencing on the 30th of September, 1839, and ending on the 30th September, 1841, was 59. The number received during the same period was 116.

The number of deaths 1; the number of escapes 1; the number pardoned 10.

The number discharged before the expiration of their sentence, in pursuance of the provisions of the act of 1836, ch. 63, passed "for the encouragement of the prisoners to conduct themselves with industry and propriety," was 22.

By the act referred to, it is provided that "it shall be the duty of the Governor, whenever it appears from the weekly reports of the Agent and Keeper, that the conduct of a prisoner has been exemplary and unexceptionable for a whole month together, to commute such prisoner's term of imprisonment for any period of time not exceeding two days for each and every month he may have so conducted himself." The operation of this act has been found by experience to have a beneficial effect.

Each convict is informed of its provisions upon his entrance into the Penitentiary; and presenting to him, as it does, a strong motive to conduct himself with industry and propriety, the effect has generally been to preserve order, regular habits of industry, and a ready obedience to the orders of the officers of the institution. To make it effective, I have uniformly, since I have been in the Executive Office, upon receiving the favorable report of the Agent and Keeper, commuted a part of the pe-

riod of confinement, not exceeding in any case two days in each month, and directed the prisoner to be discharged.

As far as I have any knowledge, the convicts at the same time that they have been required strictly to observe the "rules and regulations for the government of the Penitentiary," as provided by law, have been humanely treated. When sick they have been regularly visited by the attending Physician, and all of them who can read, have been furnished in their cells with a copy of the Holy Scriptures. Divine Service has also been occasionally performed on the Sabbath by Clergymen of different denominations residing in the vicinity of the prison.

Up to the period of the adjournment of the last General Assembly, no female convict had been committed to the prison since the date of its establishment. Since that time, three females have been convicted and sentenced to be imprisoned in the Penitentiary; two of whom have been pardoned, one of them before she reached the prison, and one is still in confinement.

There are no suitable apartments in the prison buildings for the reception and safe keeping of female convicts, and it is recommended that such be provided, and that the Agent and Keeper be authorized to employ a Matron or Matrons, under whose immediate superintendence and care, all female convicts hereafter received into the institution shall be placed. The place provided for their confinement, should be separate and apart from that provided for the other convicts, and there is a manifest propriety in placing them under the immediate government and control of aged persons of their own sex. Such a regulation has been found to be necessary, if not indispensable, in the best regulated prisons and houses of correction in our sister States. The efficacy of the laws for the punishment and prevention of crimes, consists, in a great degree, in the certainty with which they shall be enforced and executed. Within the last two years numerous applications for pardons have been refused. Comparatively few have been granted, and those only in cases where the circumstances were such as to induce the belief that they were proper in themselves, and in which, the discharge of the prisoner would not impair, but be likely to promote the ends of public justice.

In the criminal codes of some of the States in which the system of Penitentiary punishment has been adopted, a discretionary power has been vested in the Executive to commute the sentence of death pronounced upon the commission of the higher offences, for imprisonment for life. No such discretion is vested by our laws in the Executive.—The criminal convicted of a capital crime in this State, must either be executed or receive a full pardon and be discharged. Cases of conviction of capital offences, are often followed by strong and powerful appeals to the Executive clemency. The circumstances adduced may be such as to raise doubts of the propriety of the execution of the sentence, and yet not such as fully and satisfactorily to show that it would be proper to turn the convict loose, without inflicting sufficient or adequate punishment. In all such cases, if the Executive were invested with power to commute the sentence for imprisonment for life, society would be rid of the offender, and if at any time afterwards, it should be made clearly to appear by after discovered testimony or otherwise,

that the convict was a fit subject of Executive clemency, he could be discharged as in other cases; and I recommend that such an amendment of our criminal laws be made.

There has been paid into Treasury by the Penitentiary during the two years from September 30th, 1839, to September 30th, 1841, the sum of $5,333 32, and paid out of the Treasury to defray the expenses of conveying convicts to the prison after conviction, $6,470 40. By the law as it now exists, the articles manufactured at the Penitentiary, are authorized to be sold on credit, and as was to have been expected, some of the debts contracted have been lost by insolvency, or the removal of the debtors beyond the limits of the State, and sometimes to parts unknown. If the credit system be continued, it is recommended that the laws be so modified, as to limit it to a specified period of time, and to require, that all debts not paid at maturity, be put in a course of collection, by suit, without distinction as to the persons who may be the debtors.

In the month of November last, 1820 muskets and accoutrements were received from the United States, being the quota of public arms which this State was entitled for the years 1839 and 1840, under the provisions of the act of Congress of 1808, for arming and equipping the Militia of the United States.

The proportion of public arms of the State, equal to the proportion which the first division of militia bears to the whole military strength of the State, have by my order, been transported to Knoxville and placed on deposite at that point, in pursuance of the provisions of the 143rd section of the act passed at Nashville, on the 28th of January, 1840, entitled "an act to condense, and bring into one view the Militia law of the State of Tennessee." The proportion belonging in like manner to the fourth division of militia, have been ordered to be transported to Jackson and placed on deposite at that point in pursuance of the 145th section of the same act.

The whole number of public arms as nearly as I have been enabled to ascertain belonging to the State, now on deposite in the arsenal at the Penitentiary, at Knoxville, and at Jackson, consists of 8591 muskets, 349 Hall's patent rifles, 500 yaugers, 20 carbines, 882 pistols, 245 horseman's swords or sabres, and one field piece, (a six pounder,) with accoutrements for each description of arms.

The whole number of public arms belonging to the State, which have at different times been distributed to volunteer companies, and are now in their use and possession, consists of 1069 muskets, 524 pistols and 262 horsemen's swords or sabres, making the whole number of public arms now on deposite at the Penitentiary, at Knoxville, and Jackson, and distributed to the militia, one field piece, 9,660 muskets, 349 Hall's patent rifles, 500 yaugers, 20 carbines, 1406 pistols, and 507 swords or sabres. Finding that the proportion of arms belonging to the State for the use of cavalry was small as compared with the number for the use of infantry, and that more applications were made by uniform companies of cavalry for the use of them, than could be supplied—one half of the quota of arms due to this State, from the United States for the year 1841, have been ordered to be forwarded in arms of this description, and the other half in muskets.

In pursuance of an act, entitled "an act to provide for the taking of the enumeration of the free while male inhabitants of the State of Tennessee," passed January 29th, 1840, the Secretary of State will lay before you, all the returns which have been received by him containing the number of free white male inhabitants of the respective counties, who are twenty-one years of age and upwards, and who were resident citizens of their counties on the 1st day of Januaay, 1841. Your attention is called to the 4th section of the 2nd article of the Constitution, by which it is provided, that, "an apportionment of the Representatives in the General Assembly shall be made in the year *one thousand eight hundred and forty-one*, and within every subsequent term of ten years."—The duty of making the apportionment in conformity with this provision of the Constitution will devolve upon you at your present session.

By an act passed by the Congress of the United States on the 18th day of February, 1841, the State of Tennessee is invested with "full power and authority to sell and dispose of the vacant, unappropriated and refused lands, within the limits of said State, lying South and West of the line, commonly called the Congressional Reservation line," upon certain "conditions and limitations" therein prescribed. One of the "conditions and limitations" is that in entering, purchasing, and disposing of said lands, or obtaining grants of the same, all and every person or persons, the legal representative of such person or persons, and the rightful assignee of such person or persons, as are entitled to the right of occupa cy and pre-emption according to the laws of the State of Tennessee, shall have the preference in the entry or purchase of their occupant and pre-emption rights at the price of twelve-and-a-half cents per acre, not exceeding two hundred acres each."

The duty will devolve on the General Assembly, at their present session, to make suitable provision by law, for carrying the act of Congress referred to into effect. In doing this, it is recommended that full and ample provision be made, to secure all those entitled to the right of occupancy and pre-emption, the preference in the entry or purchase of the same. Under the existing laws of the State much the larger number of those claiming the right of occupancy and pre-emption, have caused their claims to be surveyed and laid down on the general plan or map, in the entry-taker's office of the county in which the same is situated.—Others who have made improvements on vacant and unappropriated lands, and who are equitably entitled to the right of occupancy and pre-emption, have failed to cause the same to be thus surveyed and designated on the general plan or map in the office of the entry-taker. In any provision which may be made, this latter class of occupant claimants should be equally protected and secured in their rights, with the former.

It is recommended that entry-taker's offices be opened in the several counties in which the lands described lie, and that the several entry-takers be authorised to receive entries with such moderate fees of office, as will enable the occupants and others making the same, to secure their titles at the least possible expense.

It is suggested that the offices be opened at an early day for the accommodation of those who may not wish delay, but that the longest period of time permitted by the provisions of the act of Congress be al-

lowed to such of the occupant claimants, their legal representatives or rightful assignees, as may desire to avail themselves of the same, to make their entries and perfect their titles.

It is submitted to the General Assembly, whether the entry-taker's offices already established by law, be employed, or new offices established. In either event, provision should be made, by requiring bonds with ample security, and by prescribing such penalties and liabilities as may be deemed adequate to insure the faithful performance of their duties by the several entry-takers, and the punctual payment of the moneys which they may be authorised to receive.

It is made the duty of the several Attorneys General of the State to prosecute all demands, in which the State shall have an interest against sheriffs, clerks and others, who may fail to account for, and pay over public moneys collected by them according to law. The Attorneys General often receive the amounts recovered in suits brought by them, but are not required to enter into bond with security for the punctual and faithful payment of the same when received. The preservation of their professional reputation has generally been a sufficient guaranty for a faithful discharge of duty in this respect on their part. Since your last adjournment, a case of loss to the State of a considerable sum collected by one of the Attorneys General who failed to account for and pay over the same, has occurred. And as similar cases may occur hereafter, it is submitted to your consideration whether the laws should not be so amended, as to place the several Attorneys General on the same footing with all other officers who receive or disburse the public money, by requiring them to give bond with adequate security for the punctual and faithful payment to the authorities authorised to receive the same, of all public moneys collected by them in the discharge of their official duties.

Complaints are frequently made of frauds and illegal voting at elections, and it is believed that the laws upon this subject require revision, the more effectually to protect and preserve the purity of the elective franchise. The only penalty now imposed for fraudulent or illegal voting, is a fine of ten dollars, one half for the use of the county, and the other half for the use of the person who will sue for the same. It is not made the duty of the civil officers to enforce this penalty, and but few persons are found willing, voluntarily, to do so, and if they do, the fine is of so small an amount as to constitute no adequate restraint, especially in seasons of high political excitement. Since the counties have been laid off into civil districts, and the places of voting multiplied under the revised Constitution, the facilities for double voting have been increased, and there is reason to believe, that many persons have voted at more places than one in the same election and escaped with impunity. If the laws remain as they are, such practices may continue and will probably increase, thereby greatly impairing the value of the right of suffrage. I submit to your consideration, whether illegal or double voting at elections should not be made an indictable offence, punishable as other misdemeanors, making it the duty of all inspectors of elections, civil officers and the courts of justice, to prosecute and bring to punishment all persons who may violate the laws in this respect. As an additional safeguard to the purity of the ballot box, I submit to your consideration whe-

ther all persons who offer to vote in any civil district other than that in which they reside, should not be required to take an oath before the inspectors or officers holding such election, that they have not voted, and will not, in the pending election, offer to vote at any other civil district, or place of voting; and that for the violation of such oath, they shall be subjected to all the pains and penalties of perjury as in other cases.

These or other suitable provisions which may suggest themselves, together with an amendment of the laws the more effectually to suppress the evil practice of betting on elections, would go far to secure to each citizen his equal voice in choosing his public agents. A want of uniformity of construction of the Constitution and laws, continues to prevail in different parts of the State in regard to the right of the citizen to vote at our general elections in counties in which he does not reside, and has not resided for six months immediately preceding the day of election.—In some counties any citizen of the State is permitted to vote for Governor or for Congressmen, if the voter resides within the Congressional district, or for the Senate or House of Represntatives if he reside within the Senatorial or Representative district, whilst in other counties the right of voting is restricted to the citizens of the county. At different places of voting in the same county, different rules of construction prevail according to the different opinions which may be entertained by the inspectors of the election. To secure the same rights to every citizen, it is again submitted to your consideration whether a declaratory act should not be passed establishing a uniform rule of construction in this respect to be observed in every part of the State.

I transmit to you herewith copies of Legislative Resolutions and Executive communications which I have received from the States of *Maine*, *Rhode Island*, *Massachusetts*, *Vermont*, *Connecticut*, *New York*, *Pennsylvania*, *New Jersey*, *Delaware*, *Maryland*, *Virginia*, *South Carolina*, *Georgia*, *Kentucky*, *Alabama*, *Indiana*, *and Mississippi*. They have been communicated to me to be laid before the General Assembly, probably with a view to obtain an expression of the views of this State upon the various public questions to which they relate. They will be found to embrace the subject of the public lands of the United States, and the proper disposition thereof; a tariff of protection and the revisal of the revenue laws; the recovery of fugitive slaves who escape into other States, and the delivery upon demand made by the Executive of one State upon the Executive of another, of felons who have kidnapped them or seduced them to leave their owners and have fled to other States, or taken refuge therein for the purpose of trial, and punishment in the State where the offence was committed; proposed amendments of the constitution of the United States, limiting the eligibility of the President to a single term; and that the President and Vice President be chosen on the same day throughout the United States; the creation of a National Bank; the North Eastern Boundary Question now pending between the Government of Great Britain and the United States, and other public questions to which your attention is invited. I have received also from bodies of citizens of the District of Columbia communications upon public subjects, and in compliance with their requests lay them before you. During the past year I received through the mail two communica-

tions addressed to me in my official character, purporting to come "from a convention of the friends of the negro, assembled from various parts of the World, convened for the purpose of promoting the immediate, entire and universal abolition of slavery and the slave trade, by those means which are of a moral, religious and pacific character, held in London on the 12th, and by adjournment to the 23d of June, 1840."—Viewing these communications as an impertinent and mischievous attempt on the part of foreigners to interfere with one of the domestic institutions of this State, and as having received the countenance and sanction of a member of the Congress of the United States, under whose official frank one of the packages containing them came to me, I declined entering into a correspondence with the foreign convention, but addressed to the member of Congress alluded to, the letter, a copy of which is herewith transmitted to you, accompanied by the communications themselves.

Since the adjournment of the last session of the General Assembly, the following temporary appointments have been made, viz: *Alfred O. P. Nicholson*, of Maury county, to be a Senator in the Congress of the United States, to fill the vacancy occasioned by the death of *Felix Grundy*;—*William C. Dunlap*, of Hardeman county, to be Judge of the Circuit Court for the eleventh Judicial Circuit, to fill the vacancy occasioned by the resignation of *Valentine D. Barry*, and *Joseph H. Talbot*, of Madison county, to be Attorney General for the tenth Solicitorial District, to fill the vacancy occasioned by the removal of *William B. Miller*, the former incumbent, without the limits of the district, as certified to me by the presiding Judge of that circuit. The duty will devolve upon the General Assembly to make permanent appointments, to fill these several offices, during your present session.

Information was received in the month of August last, of the death of SAMUEL POWELL, Judge of the Circuit Court, for the first Judicial Circuit. Upon examination it was ascertained that but a single term of the Court for the county of Hawkins, would intervene in that circuit before the meeting of the General Assembly, and no temporary appointment has been made to fill the vacancy. To avoid any inconvenience which might result from a failure to hold the court in Hawkins, I addressed letters successively to the Judges of the 12th and 3d circuits, requesting them to hold the court; from both of whom I received answers declining to do so, but from the latter at so late a period, as to make it impracticable to appoint a temporary Judge in time to enable him to reach and hold that court. As the terms of the remaining courts in the first circuit will come on during the present and the succeeding month, the necessity of electing a Judge to fill the vacancy at as early a period of your session as practicable will be apparent.

Many subjects which may claim your attention may have been omitted in this communication. It is however a pleasing reflection, that all the varied interests of the State are committed to the wisdom and calm deliberation of the immediate Representatives "fresh from the people," who can supply the omission; and it is equally gratifying to know that they possess the power to correct any unintentional errors of opinion into which I may have fallen.

In discharging the functions of the Executive Office, I have constantly felt the weight of responsibility which devolved upon me, and in performing this act of duty my aim has been to lay before you such information, and to suggest such modifications of the laws, as in my judgment may be useful to you in your deliberations, and tend to promote the welfare of our common constituents. That honest differences of opinion upon many subjects may exist is to be expected, but that "the greatest good to the greatest number" is the object which all desire to attain, I cannot doubt.

That the result of the deliberations of your present session may be eminently useful, and such as to deserve and receive the approbation of the people, is my sincere desire.

JAMES K. POLK.

EXECUTIVE DEPARTMENT,
Nashville, October 7, 1841.

On motion of Mr. Ross,
The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, OCTOBER 8th, 1841.

Mr. Ledbetter submitted the following:

Resolved by the General Assembly, That a joint select committee be appointed to apportion the Representation in the Senate and House of Representatives, for the ensuing years, according to ——— article and —— section of the Constitution; which was read and laid on the table.

On motion of Mr. Ledbetter,

The Senate took up the resolution submitted by him on yesterday, to appoint a joint select committee on part of the Senate and House of Representatives, to contract for the printing of the Laws and Journals of the General Assembly, and for job printing; which being read,

Mr. Martin submitted the following:

Resolved, That a committee of three members be appointed to examine and report on the proposals submitted and reported by the Secretary of State, for doing the public printing and job work of the General Assembly; which being read, was, by Mr. Martin, withdrawn.

The question was then taken upon the adoption of the resolution submitted by Mr. Ledbetter, and determined in the affirmative. Ayes 13. Noes 12.

The affirmative votes were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Speaker Turney, 13.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, 12.

And so said resolution was adopted.

Ordered, That the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:. The House of Representatives concur in the resolution of the Senate, proposing to meet the House of Representatives in their hall, on Monday the 11th instant, for the purpose of electing an Attorney General for the 9th Judicial District of this State.

And then retired.

A message from the House of Representatives, by Mr. Mitchell, their Clerk:

Mr. Speaker: The House of Representatives concur in the report of the joint select committee appointed to draft and report joint rules to regulate the intercourse of the two houses of this General Assembly.

And then retired.

Mr. Jennings submitted the following:

Resolved, That the committee on printing be instructed to enquire into the expediency of making the contract for printing paper for the use of the Senate, a separate contract from that made for the printing itself; which was read, and ordered to lie on the table.

Mr. Turney introduced a bill to establish a Chancery Court at Sparta, in the county of White; which was read a first time and passed.

On motion of Mr. Martin,

The Senate took up the resolution by him submitted on yesterday, directing the clerk to preserve one copy of all the documents printed by order of the Senate during the present session for each member of the Senate; which was adopted.

Mr. Foster introduced a bill to amend on act, entitled "an act to amend the penal laws of the State of Tennessee, passed 9th day of December, 1839;" which was read a first time and passed.

And on motion of Mr. Ross, said bill was referred to the Judiciary committee.

Ordered, By the Speaker, that Messrs. Ledbetter, Martin, and Johnson, be appointed a committee to act with such committee as shall be appointed by the House of Representatives to examine the proposals made to execute the printing of the laws and journals and job printing of the General Assembly, and report thereon.

On motion of Mr. Jennings.

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Williams introduced

A bill to alter the county line between the counties of Knox and Grainger; which was read a first time and passed.

And on his motion said bill and petition therewith was referred to the committee on new counties and county lines.

Mr. Matthews introduced,

A bill to amend an act entitled "an act to amend an act passed

the 9th day of February 1836, chapter 15;" which was read a first time and passed.

On motion of Mr. Ledbetter,

Said bill was referred to the committee on Ways and Means.

Mr. Gardner introduced

A bill to compel the Chancellors for the Middle and Western Divisions of Tennessee, to interchange ridings in certain cases; which was read a first time and passed.

And on motion of Mr. Matthews, was referred to the judiciary committee.

Mr. Powell introduced

A bill to amend an act entitled "an act to regulate the County Courts in this State," passed December 3d, 1835, chapter 6; which was read a first time and passed.

On motion of Mr. Powell, said bill was referred to the committee on the judiciary.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives has taken up the Senate's resolution proposing a joint select committee to report upon the proposals made for the printing of the laws and journals of this General Assembly, and for such job printing as may be ordered by the two houses, and they concur in said resolution with an amendment thereto, which is herewith transmitted, in which they ask the concurrence of the Senate; and then retired.

Said amendment to the resolution was made by inserting the word "joint," before the words "job printing;" and the sense of the Senate being taken on said amendment, concurred in.

A bill from the House of Representatives, to change the time of holding the term of the Circuit Court of Madison county, from the 4th Monday in October, to the 4th Monday in December, and for other purposes, read a first time and passed.

On motion of Mr. Martin,

Mr. Maclin was added to the committee on Military Affairs.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution that the Senate meet the House of Representatives in their Hall on Monday the 11th inst., for the purpose of electing an Attorney General for the third Judicial Circuit, and a Register for the Middle Grand Division of the State of Tennessee, in which they ask the Senate to concur; and then retired.

The Senate took up the resolution from the House of Representatives, proposing that the Senate meet the House of Representatives in their Hall on the 11th instant, for the purpose of electing an Attorney General for the third Judicial Circuit, and a Register for Middle Tennessee; which was read, and the sense of the Senate being taken on said resolution, concur in so much as relates to the election of Register of Middle Tennessee.

And on motion of Mr. Miller,

That said resolution as it relates to the election of Attorney General, lie on the table.

Mr. Foster submitted the following:

Resolved, That a standing committee on the Lunatic Asylum, be established, to be denominated a committee on the Lunatic Asylum, and that said committee be a joint committee, to act with such committee as the House of Representatives shall appoint.

And the rule being suspended, said resolution was rejected.

Mr. Foster submitted the following:

Resolved, That a standing committee be raised, denominated the committee on the Lunatic Asylum.

And the rule being suspended, said resolution was adopted.

The Speaker appointed Messrs. Foster, Peyton, Jennings, Johnson, and Bradbury, to be said committee.

On motion of Mr. Hardwicke,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, October 9, 1841.

The Senate met pursuant to adjournment.

Mr. Waterhouse submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall, for the purpose of electing an Entry Taker and Register, for the Ocoee District, on Saturday the 23d day of October, 1841; which being read,

On motion of Mr. Waterhouse, the rule being suspended, said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Reneau submitted the following:

Resolved, That the committee on the Lunatic Asylum be directed to enquire and report what amount of money has been appropriated and expended in the building and repairing of said Asylum, and also what amount has been appropriated and expended in walling in the grounds connected with said Asylum; showing the different periods of all appropriations, and the aggregate amount of the whole.

And on motion of Mr. Reneau, the rule being suspended, said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gardner submitted the following:

Resolved by the Senate of the General Assembly of the State of Tennessee, That the election of an Attorney General for the 9th Judicial Circuit be postponed from Monday the 11th instant, to Wednesday the 20th inst., and that the House of Representatives be requested to concur in this resolution; which was read,

And on motion of Mr. Gardner, the rule being suspended, said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein:

Mr. Foster moved,

That the respective returns of the votes polled at the election for Governor of the State of Tennessee, in the year 1841, be referred to the committee on elections.

Which motion was adopted.

Mr. Jennings, from the committee on elections and privileges, reported

That said committee had examined the returns of the votes polled for Governor of the State of Tennessee, in the year 1841, and that the returns of all the counties in said State are properly made, except the county of Campbell, from which county no returns seem to have been made.

On motion of Mr. Foster,

Mr. Speaker Turney, and gentlemen of the Senate proceeded to the Hall of the House of Representatives, the Speaker of the Senate and the Speaker of the House in the chair, and the joint resolutions of both houses of the General Assembly being read, the Speaker of the Senate then put the question,

Shall the two houses of the General Assembly proceed to compare the votes polled at the election for Governor of the State of Tennessee, in the year 1841; and was decided in the affirmative.

The following was the result:

Counties.	For James C. Jones.	For James K. Polk.
Marion,	431	320
Stewart,	378	614
Hardin,	510	596
Knox,	1842	385
Fentress,	144	359
Meigs,	84	574
Benton,	258	331
Gibson,	1017	432
Rhea,	164	379
Weakly,	509	726
Lincoln,	728	2504
Madison,	1046	551
Bledsoe,	590	227
Henry,	721	1108
Carter,	729	138
Monroe,	847	985
White,	1158	511
Tipton,	519	584
Jefferson,	1605	176
Carroll,	1195	425
Sevier,	869	38
Anderson,	540	265
Dyer,	326	212
Sullivan,	313	1336
Roane,	883	649
Obion,	274	387

Perry,	707	388
Overton,	262	959
Henderson,	1100	328
Haywood,	655	544
Bradley,	480	846
Sumner,	702	1621
Williamson,	1805	809
Rutherford,	1711	1634
Greene,	894	1574
Wilson,	2246	971
Jackson,	1109	628
Hickman,	247	939
Shelby,	829	736
McNairy,	741	509
Blount,	1065	669
Morgan,	158	125
Wayne,	666	319
Warren,	476	2037
Franklin,	603	1361
Robinson,	960	680
Maury,	1367	2187
Dixon,	319	659
Giles,	1100	1276
Bedford,	1853	2344
Montgomery,	925	781
Lawrence,	522	505
Humphreys,	433	693
Smith,	2369	690
Fayette,	1003	864
McMinn,	955	884
Hardeman,	624	853
Claiborne,	462	756
Polk,	194	345
Washington,	789	1123
Hawkins,	1053	1343
Grainger,	1003	524
Cocke,	821	100
Davidson,	1768	1236
Hamilton,	548	560
Johnson,	372	70
	53,586	50,343
Majority for Jones,	3243	

Whereupon the Speaker of the Senate declared that James C. Jones, a citizen of the county of Wilson, in the State of Tennessee, was duly and constitutionally elected Governor of the State of Tennessee, for and during the two years next ensuing, he having received a majority of all the votes polled for Governor, at the election of 1841.

Then Mr. Speaker Turney and gentlemen of the Senate returned to their chamber, and the Senate resumed its session.

On motion of Mr. Nelson,

The Senate adjourned until 2 o'clock.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Speaker Turney presented to the Senate a printed pamphlet, purporting to be a report of the committee on the North Eastern boundary line, before the Senate of the State of Maine; which,

On motion of Mr. Foster, was laid on the table.

Mr. Foster submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall on Thursday the 14th instant, to install and induct to office the Honorable James C. Jones, Governor elect of the State of Tennessee; which was read,

And the rule on motion of Mr. Foster being suspended, said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Ashe submitted the following:

Resolved, That a committee of three be appointed on the part of the Senate, and such number as the House of Representatives may think proper to appoint, to wait upon the Governor elect, and inform him of his election, and for other purposes.

And on motion of Mr. Ashe, the rule being suspended, said resolution was adopted.

Mr. Speaker Turney appointed Messrs. Ashe, Nelson, and Williams, of said committee.

Ordered, That the clerk inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Reneau submitted the following:

Resolved, That the committee on Internal Improvements be instructed to enquire and report what amount of money has been appropriated and actually expended in that part of the State commonly called East Tennessee, what amount has been appropriated and actually expended in what is commonly called Middle Tennessee, and also, what amount has been appropriated and actually expended in what is commonly called West Tennessee, or the Western District; and that the committee also show by said report, the amount of appropriations made for Internal Improvements in each of said divisions of the State, which has not, and which is understood will not be expended, and also, what amount has been appropriated in each of said divisions, and not expended, but is believed will be expended.

And said resolution was read and adopted.

And on motion of Mr. Reneau,

The said resolution was referred to the committee on Internal Improvements.

Mr. Laughlin submitted the following preamble and resolutions:

Whereas many delays and obstructions, manifestly unjust to a meritorious portion of the citizens of this State, have arisen in one or more of the accounting bureaus at the City of Washington, in auditing, passing, and paying the claims of the Volunteers of Tennessee, who have served at various times, during the pending Indian war in

Florida, for horses, accoutrements, and the property lost in the said service, after acts of Congress have been passed authorising the settlement and payment of said claims, which delays have hitherto amounted almost to a denial of justice: Therefore,

1st. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in every proper and lawful manner to have the claims mentioned in the foregoing preamble adjudicated, adjusted and paid, and that they also use their best endeavors to procure the passage of an additional act or acts of Congress, which may be necessary to expedite and ensure the payment of said claims.

Resolved, That the General Assembly will respectfully memorialize the Congress of the United States, asking that all such proper acts may be passed and measures adopted, as will procure the adjustment, and speedy payment of said claims.

Said resolution was read,

And on motion of Mr. Laughlin, was laid on the table.

On motion of Mr. Hardwicke,

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, October 11, 1841.

The Senate met agreeable to adjournment.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to inform the Senate that the House of Representatives have appointed Messrs. Ewing, Buchanan of Lawrence, Long, Burton, Buford, and Alexander, a committee on part of the House, to report jointly with the committee appointed by the Senate, on the proposals made for the printing of the laws and journals of the General Assembly, and for such job printing as may be ordered by the two houses, and that the report of the Secretary of State, with the accompanying proposals, made in pursuance of an act passed 19th February, 1836, be referred to said committee, and ask the concurrence of the Senate.

And then withdrew.

Whereupon said message was read and concurred with.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: I am directed to acquaint the Senate that the House of Representatives have had under consideration the resolution of the Senate proposing to postpone the election of Attorney General for the 9th Judicial Circuit, from Monday the 11th instant, to Monday the 20th instant, and that the House concur therewith; and then retired.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to acquaint the Senate that the House of Representatives adopted a resolution that the Senate meet the House in its Hall on the 19th instant, for the purpose of electing an Attorney General for the 5th Solicitorial District, and ask the

concurrence of the Senate therein.

And then withdrew.

Mr. Johnson presented a petition from sundry citizens of Virginia, who own lands in the mountains of Tennessee, praying to be permitted to graze their stock on said lands which was read,

And on motion of Mr. Johnson, referred to the committee on Public Lands.

Mr. Johnson presented to the Senate the petition of sundry citizens of Greene county, praying that Peter Kent, a soldier of the Revolution, be permitted to retail such articles as he may be enabled to do, to travellers on the road upon which he resides, including spirituous liquors, without paying a license therefor.

Which was read.

Mr. Nelson moved to lay said resolution on the table:

And the sense of the Senate being had thereon, said motion was rejected.

On motion of Mr. Johnson,

Said resolution was referred to the committee on privileges and elections.

Mr. Hardwicke presented to the Senate the petition of sundry citizens of the county of Benton, praying that an act of Assembly be passed, to restore Alonzo M. D. Bostick, to the rights of a citizen; which being read,

On motion of Mr. Hardwicke,

Was referred to the Judiciary committee.

Mr. Martin presented the petition of sundry citizens of Maury county, to permit John B. McKee, to erect Mills on Duck river; which being read, was,

On motion of Mr. Martin, transmitted to the House of Representatives.

Mr. Laughlin moved the re-consideration of the vote, referring the petition of sundry citizens of Greene county, praying that Peter Kent be permitted to retail certain articles;

Which motion prevailing,

On motion of Mr. Johnson,

Said petition was referred to the Judiciary committee.

Mr. Laughlin submitted the following:

Resolved, That the Comptroller of the Treasury be requested to prepare and report to the Senate, such plans, in the form of a bill or otherwise, as he shall deem most convenient and safe, for the auditing, receipt, and disbursement of the moneys arising from dividends on stock owned by the State, in Internal Improvement companies; which was read,

And the rule being suspended,

On motion of Mr. Laughlin,

Said resolution was adopted.

Ordered, That the clerk communicate to the Comptroller the adoption of said resolution.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed by the House of Representatives to inform the Senate, that the House has adopted a resolution that the Senate meet the House in their Hall, on Wednesday the 11th day of November next, for the purpose of electing an Entry Taker in the Ocoee District, and ask the concurrence of the Senate therein.

And then withdrew.

Which message is ordered to the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed to inform the Senate that the House of Representative have taken up a resolution of the Senate, proposing to meet the House at its Hall, on Saturday the 23d instant, for the purpose of electing an Entry Taker and Register, for the Ocoee District, and have amended the same, by striking out the words "Entry Taker and" strike out "Saturday the 23d" and insert in lieu thereof, the words "Wednesday the 13th," and ask the concurrence of the Senate to said amendment.

And then retired.

And on motion,

Said message was laid on the table.

Mr. Foster presented

A bill to amend an act entitled "an act to provide for the probate and registration of deeds and other instruments," passed December, 1831, chapter 90; which was read the first time and passed.

Mr. Speaker Turney presented the following Report from the Secretary of State:

SECRETARY OF STATE'S OFFICE,
October 11, 1841.

To the Honorable Speaker of the Senate, SIR: I have the honor to transmit to the General Assembly, through your honorable body, such census returns as have been received at my office, in conformity with the provisions of an act passed on the 29th day of January, 1840.

From the accompanying list it will be seen that no returns have been received from the counties of Perry, Lawrence, Dyer, Fayette, Shelby, Cocke, and Jefferson.

Very respectfully,
JOHN S. YOUNG.
Secretary of State.

A tabular statement showing the number of white male inhabitants over 21 years of age, in the several counties of the State, so far as returns have been received by the Secretary of State.

Counties.	Population.	Counties,	Population.
Anderson,	960	Lawrence,	
Bledsoe,	859	Lincoln,	2942
Blount,	2007	Lauderdale,	538
Bradley,	1427	Marion,	980
Bedford,	2938	Morgan,	437

Benton,	675	Marshall,	2315
Carter,	870	Meigs,	712
Claiborne,	1436	Monroe,	1949
Cocke,		Maury,	3143
Campbell,	909	McMinn,	1980
Cannon,	1168	McNairy,	1403
Carroll,	1932	Montgomery,	2033
Coffee,	1264	Madison,	1807
Davidson,	4002	Overton,	1506
Dickson,	1074	Obion,	860
Dekalb,	1101	Polk,	685
Dyer,		Perry,	
Fentress,	583	Robertson,	2072
Franklin,	1642	Rhea,	682
Fayette,		Roane,	1636
Greene,	2831	Rutherford,	3036
Grainger,	1606	Smith,	3046
Giles,	2650	Sumner,	2480
Gibson,	1939	Shelby,	
Hamilton,	1824	Sullivan,	1808
Hickman,	1294	Sevier,	1006
Henry,	1954	Stewart,	1169
Hawkins,	2440	Tipton,	856
Hardin,	1349	Van Buren,	461
Henderson,	2058	White,	1684
Hardeman,	1617	Warren,	1831
Humphreys,	777	Williamson,	3072
Haywood,	1591	Wilson,	3793
Jackson,	1909	Wayne,	1119
Johnson,	464	Washington,	1892
Jefferson		Weakley,	1388
Knox,	2599		

Which being read, was laid on the table.

Mr. Hardwicke presented the following report of the Inspectors of the Penitentiary:

REPORT OF THE INSPECTORS AND AGENT OF THE TENNESSEE PENITENTIARY.

To the General Assembly of the State of Tennessee:

The undersigned, Inspectors of the Penitentiary, ask leave respectfully to make the following report:

The number of convicts in the prison on the 30th day of September, 1841, was one hundred and seventy eight, employed as follows: Painters, two; Carpenters, ten; Harness-makers, three; Matrass-maker, one; Coopers, eleven; Shop tenders, eight; Picking wool, six; Making Cotton Wheels, one; Carding, two; Tailors, thirteen; Sawing stone, eight; Getting out staves, three; Wagon makers, nine; Blacksmiths, twenty-two; Hatters, twenty-five; Stone cutters, thirteen; Stone rubbers, six; Turning lathe, three; Shoemakers, thir-

teen; Slaie-making, one; Making convict's clothes, one; One female sewing; Cooks, two; Sick, ten; Hospital nurse, one; Washing and mending, two; Locked up for improper conduct, one.

During the last two years the convicts have generally conducted themselves well—have labored to advantage and enjoyed their usual health. But one convict has died during that period, and although there is always a number in the Hospital, it is owing to the fact, that many enter the prison with impaired constitutions, occasioned by a life of dissipation and irregularity, which time and medical aid alone can invigorate. An examination of the reports of the different Penitentiaries in the United States furnish the most unequivocal proof, that no one is more exempt from disease and death than the Tennessee Prison. This is owing to the humane character of our laws, which require that the convicts shall be comfortably clothed and lodged, the kind attention and skill of the Physician, the cleanliness which is rigidly attended to by the Keeper and other officers, and the good wholesome diet which is furnished three times a day in sufficient quantities to meet all the wants of the prisoners.

As every citizen of Tennessee is interested in the success of the institution, the undersigned deem it proper to make a brief statement in relation to the cost of its erection, and its operations from the period at which the first convict was received. The law authorising its erection was passed at the session of 1829--30. A site of ten acres was procured in the vicinity of Nashville, which cost twenty-five hundred dollars, and was paid for by voluntary subscriptions made by the citizens of Davidson county. The work commenced on the first day of April, 1830, and progressed with so much rapidity that the twenty-five thousand dollars appropriated by the General Assembly was soon exhausted. The commissioners conceiving it to be important that the buildings should be so far completed as to admit convicts, on their own responsibility, borrowed for that purpose twenty-five thousand dollars of the State Bank, and in the short period of nine months the institution was in a condition to authorise the Governor to issue a proclamation, declaring it to be in a state of readiness to receive convicts. The General Assembly, aware that the labor of the convicts, in consequence of their small number for some years, would not meet the contingent expenses of the prison, especially as they would be principally employed in finishing the buildings, authorised the Inspectors to draw from the Treasury for the first year, any sum not exceeding ten thousand dollars, and subsequently not more than five thousand dollars a year. For this purpose the amount drawn from the Treasury was twenty thousand one hundred and nine dollars and ninety-seven cents, making the whole amount expended for the erection and support of the prison seventy thousand one hundred and nine dollars and ninety-seven cents; and the undersigned believe, that there is not a Penitentiary in the United States, in all respects equal to the Tennessee prison, which has not cost at least one hundred thousand dollars. The question now fairly presents itself, have the convicts been profitably employed? We believe they have. The amount of labor done

by the convicts in the prison would have been little, if anything, short of thirty thousand dollars, if it had been performed by a contract with individuals, but estimated at the prices charged for work done by the convicts, it may be set down at twenty-five thousand dollars.

The stock on hand manufactured and otherwise, with the bedding, table furniture, &c. cost, and is worth twenty-five thousand three hundred and ninety-nine dollars and fifteen cents. The amount of notes and book debts due the prison is thirty-five thousand eight hundred and fifty-two dollars and twelve cents, and the sum paid into the treasury is five thousand three hundred and thirty-three dollars and thirty-three cents. Thus it appears, that the work done for the prison, stock on hand, notes and book debts, and the sum paid into the treasury, amounts to ninety-one thousand five hundred and eighty-four dollars and sixty cents, from which deduct seven thousand two hundred and fifty-two dollars and seventy-six cents, amount of debts due by the prison, and we have a balance of eighty-four thousand three hundred and thirty-one dollars and eighty-four cents, which constistut ethe profits of the convicts' labor from the time the prison commenced its operations. It is true that but a small amount has been paid into the treasury, but the stock on hand manufactured and otherwise, being paid for, is equal to money. The same may be said of the notes and book debts, making a small allowance for a probable loss, and certainly the work done in the prison by the convicts saved that amount to the State had the labor been otherwise performed.

Reference to the report of the Agent of the Penitentiary will show, that the profits for the last two years are thirteen thousand six hundred and fifty-five dollars and two cents.

It has been the anxious desire of the undersigned for the last two years to place the institution in a condition not only to pay all its own expenses but to meet those of conveying prisoners from the different counties to the prison; and they have now the fullest belief, that if no unforeseen disaster should happen, this additional expense can be paid from the profits of the convicts' labor. If a law to this effect should be passed, it is believed that the expense now incurred could be reduced without injury to those who perform the exercise; and the Inspectors would cheerfully give any aid or information which might be required on this subject.

The undersigned would respectfully suggest, that the work done in the Penitentiary must be of that kind which the experience and observation of the Agent and Inspectors find to be the most profitable to the State, taking care to injure the mechanical interest of Nashville as little as possible. With a view to the attainment of this end, the Inspectors are fully convinced that they should commence as soon as practicable the manufacture of bagging and rope. A large number of convicts could be profitably employed in this way, especially those who are sentenced to one year's imprisonment, and who now are an expense to the institution, being incapable of learning any mechanical business in so short a time. The manufacture of bagging and rope in sufficient quantities to meet the demand in this market, would be beneficial to the farmer, as affording a constant and sure market for a

great deal of hemp, for the culture of which many of our counties are so well suited. Those articles too, are generally wanted in large quantities, and by persons who are able to pay promptly for them.—This would make it a safe business, and would give but little trouble in keeping accounts. To carry on this business, however, to the greatest advantage, it will be necessary to authorise a considerable extension of the yard walls of the prison, which can be done entirely by the convicts, at a small expense compared with the certain benefits that would result from the improvements. The prison yard being enlarged as contemplated, would give ample room for all kinds of labor for the next twenty-five years, and the free circulation of air in so large a space would add greatly to the health of the convicts. By the improvement proposed, water can be conveniently brought into the lower part of the yard, which would be a great convenience, and answer many valuable purposes. The subject is respectfully submitted for your consideration.

The undersigned have long been of opinion that almost every crime may be traced either directly or indirectly to the improper use of ardent spirits. For the purpose of testing the truth of this opinion in relation to the inmates of the Penitentiary, a day was appointed to interrogate them on this and other important matters; and as they are all locked up in their cells a large portion of the Sabbaths, that day was selected as affording the best opportunity of interrogating them separately and alone. Each individual was asked the following questions: Had you the advantage of moral and religious instruction in your youth? How were you educated, and did you indulge in too free use of ardent spirits? The whole number of convicts at this time was one hundred and seventy-seven, and the following is the melancholy result of the inquiries:

Eighty-four answered that they were constantly intoxicated when they could procure the means of indulgence; that they were brought up without religious or moral instruction, and almost wholly destitute of education.

Thirty replied they were common drunkards, brought up without religious or moral instruction, but that they had a tolerably fair education.

Twenty, that they could read and write, morally brought up, but very intemperate.

Twenty-four, that they were constant dram-drinkers, occasionally drunk, badly brought up, without any education.

Four, that they were constant dram-drinkers, occasionally drunk, badly brought up, without scarcely any education.

Thirteen, that they had always been temperate, without education, and badly brought up.

Two, that they had always been temperate, morally brought up, with common education.

They all seemed to deplore the want of correct instruction in their youth, and the intemperate course of life it gave rise to, and declared that to these causes they ascribed their dereliction from moral duty. The foregoing statement of facts, which is corroborated by the examination

of convicts heretofore made, furnish incontestible proof of the baneful effects of intemperance, and opens a wide field for the labors of the Philanthropist, the Legislator, the Parent, and the Divine.

During the last two years the collection of money has been very difficult, in consequence of the pecuniary embarrassments of the country; notwithstanding this, however, it is believed that the Agent has been as successful in his efforts as the most prudent merchant in the management of his own business; and the undersigned are of opinion, that there will be but a very small loss on the debts due the prison. The manner of doing business in this country renders it almost impossible to sell extensively for cash, but it is respectfully suggested, that a law might be passed, prohibiting the agent from opening an account below a specified sum. This would relieve the institution from the trouble of a class of small debts, which although ultimately good, are more expense than profit. The inspectors believe that they have the power to pass a resolution directing the Agent to that effect, but it would be much more satisfactory to have the authority of the representatives of the people for such a measure.

The undersigned, during the last two years, have regularly visited the prison, not only at the times required by law, but upon all other occasions when they believed that their presence could, in any respect, be beneficial; and they have had an anxious desire to see it meet the expectations of those who were favorable to its establishment, and have a hope that their labors have not been entirely destitute of usefulness; and they respectfully request that the General Assembly will make a careful examination of every thing relating to the institution, and it will be gratifying to the undersigned to have the opportunity of attending a committee either at their room or the prison, and making such explanations as may be required.

The undersigned, in closing the report, deem it an act of justice to the agent and every other officer of the prison to state, that their duties have been performed at all times with fidelity and usefulness.

Respectfully submitted,

R. C. FOSTER,
JNO. HARDING,
WM. CARROLL.

Nashville, October 11, 1841.

STATEMENTS OF THE AGENT OF THE TENNESSEE PENITENTIARY.

To the General Assembly of the State of Tennessee,
Convened at Nashville:

The Agent of the Tennessee Penitentiary respectfully submits the subjoined statements, showing the receipts and expenditures for the two years closed September 30th, 1841, with tables annexed, giving the information required relative to the convicts for the same period.

H. J. ANDERSON, Agent.

MANUFACTURES.

Dr.

To finished work and materials on hand September 30, 1839,	23,015 04	
Tools and shop furniture,	3,427 62	
Stock since purchased,	41,373 53	—67,816 19

Cr.

By amount received and charged for work done and articles sold from 30th Sept. 1839, to Sept. 30th, 1841,	88,620 89	
Finished work and materials on hand, Sept. 30th, 1841,	21,707 65	
Tools and shop furniture,	3,550 00	—113,878 54
		$46,062 35

EXPENSE ACCOUNT.

Dr.

To amount expended for fuel, medicine, stationery, clothing of convicts, and other incidental expenses for two years ending 30th Sept. 1841,	9,512 51	
Amount paid convicts discharged from prison for the two years ending 30th Sept. 1841,	511 50	—10,024 01

Cr.

By janes cotton cloth, convict clothing and fire wood on hand, Sept. 30th 1841,	738 56
	$9,285 45

STATEMENT OF PROPERTY.

Furniture of office, guard-rooms and cells, carts, drays, horses, stoves, &c. valued Sept. 30th, 1841, at	2,250 00	
Less amount of property on hand, 30th Sept. 1839,	2,108 50	——
Increase balance of property,		$141 50

Agent and Keeper,

In account with Tennessee Penitentiary.

Dr.

To this amount received from manufactured articles and debts collected from 30th Sept. 1839, to 30th Sept. 1841,		54,813 19

Cr.

By balance, 30th Sept. 1839, per account rendered,	2,399 1	
By this amount paid sundries as per vouchers, including all salaries of officers, victualling convicts, &c. from 30th Sept. 1839, to 30th September, 1841,	50,375 22	
By this amount paid Miller Francis, Treasurer, on account of profits made by the institution,	5,333 33	—58,107 67
		$3,294 50

INCOME.		EXPENDITURES.	
To balance of manufactures ac't,	46,062 33	By conting't expens's	8,773 95
Balance of int'st ac't,	763 66	Am't paid convicts on disch'g from prison,	511 50
" property,	141 50	Pay of officers, rations &c. from Sept. 30, '39, to Sept. 30, '41,	26,616 30
To building new two-story brick shop and other improvements on prison property,	5,746 11	To am't due agent,	3,294 50
Bills receivable due prison,	10,583 47	Am't due sundries on account,	3,958 26
Accounts due prison,	25,268 65	Balance per ac't rendered Sept. 30, '39,	31,756 19
		Balance Sept. 30, '41,	13,655 02
	$88,565 72		$88,565 72

STATEMENT OF PRISONERS, SEPTEMBER, 30, 1841.

Whole number of prisoners in confinement Sept. 30, 1839,		154	Disch'ges by expiration of sentence from 30th Sept, '39, to Sept. 30, 1841—White males,	57	
Since received—White males,	110		Black males,	2—57	
White females,	1		Pardon'd; white do	30	
	——	111	do do female,	1—31	
Black males,	4		Died,		1
Black females,	1		Escaped,		1
	—	5	Now in confinement,		178
		270			270

The CONVICTS were EMPLOYED on the 30th September, 1841, as follows:

Stone Department,	27	Brought up,	140
Wagon do	9	Turning,	3
Blacksmith's do	22	Picking wool,	6
Tailor's do	13	Waiting on Shops,	8
Carpenter's do	10	Carding,	2
Shoe do	13	Slaie making,	1
Harness do	3	Cooking,	2
Paint do	2	Hospital nurse,	1
Cooper's, & get'ing out staves,	14	Washing, making and mending convict clothing,	4
Hatter's Department,	25	Sick,	10
Making matrasses,	1	Locked,	1
do cotton wheels,	1		
	140	Total,	178

AGES OF CONVICTS WHEN SENTENCED.

Under 20 years,	26	Brought forward,	139
From 20 to 25 years,	45	From 40 to 50 years,	22
From 30 to 40 years,	33	From 50 to 60 years,	11
From 25 to 30 years,	35	From 60 to 70 years,	6
	139	Total,	178

CRIMES OF WHICH THEY WERE CONVICTED.

Murder, first degree,	2
do second do	14
Assault and battery with intent to kill,	3
Burglary,	2
Negro stealing,	7
Horse do	40
Grand larceny,	64
Petit do	7
Forgery,	7
Voluntary manslaughter,	4
Rape,	3
	153

Brought forward,	153
Malicious stabbing,	4
Receiving stolen goods,	3
Involuntary manslaughter,	1
Arson,	1
Perjury,	3
Bigamy,	3
Incest,	1
Counterfeiting,	4
Shooting,	4
Buggery,	4
Total,	178

COUNTIES IN WHICH THEY WERE CONVICTED.

Robertson,	2	Brought forw'd,	87	Bro't forward,	143
Dickson,	2	Marshall,	4	Anderson,	1
Shelby,	12	Williamson,	4	Morgan,	1
McMinn,	5	Bedford,	5	Henderson,	3
Madison,	6	Sullivan,	2	Hamilton,	4
Claiborne,	1	Bradley,	9	White,	3
Davidson,	15	Haywood,	3	Overton,	2
Lawrence,	4	Carroll,	3	Marion,	2
Stewart,	5	Wilson,	5	McNairy,	2
Perry,	1	Lincoln,	3	Cannon,	1
Rutherford,	2	Washington,	1	Warren,	1
Franklin,	3	Grainger,	3	Hardeman,	2
Maury,	5	Roane,	3	Lauderdale,	1
Fayette,	8	Montgomery,	4	Carter,	2
Knox,	8	Blount,	2	Greene,	1
Tipton,	2	Rhea,	1	Jefferson,	1
Giles,	5	Bledsoe,	2	Cocke,	1
Hawkins,	1	Jefferson,	1	Henry,	2
	87	Hardin,	1	Monroe,	5
			143	Total,	178

LIST OF SENTENCES.

For life,	2
" 21 years,	3
" 20 years,	3
" 15 years,	5
" 14 years,	2
" 12 years,	1
" 10 years, and 8 months,	1
" 10 years,	7
" 9 years,	1
" 8 years,	3
" 7 years,	1
" 2 years and 6 months,	1
	30

Brought forward,	30
For 7 years and 6 months,	2
" 6 years,	1
" 5 years,	30
" 4 years and 5 months,	1
" 3 years and 8 months,	1
" 3 years and 6 months,	1
" 4 years,	18
" 2 years,	7
" 1 year and 9 months,	2
" 1 year,	3
" 3 years,	81
" 2 years, and 3 months,	1
Total,	178

NATIVES OF THE FOLLOWING STATES AND COUNTRIES.

Tennessee,	60	Bro't forw'd,	106	Bro't forward,	169
Kentucky,	1	New Jersey,	1	Indiana,	1
Alabama,	2	Dist. Columbia,	1	Cuba,	1
Maryland,	2	North Carolina,	44	Ireland,	2
New York,	2	South Carolina,	11	Wales,	1
Virginia,	28	Pennsylvania,	4	Italy,	1
Georgia,	10	Vermont,	1	England,	2
Rhode Island,	1	Missouri,	1	Spain,	1
	106	Total,	169	Total,	178

Statement of the number of Convicts discharged by Expiration of Sentence, from September 30th, 1839, to September 30th, 1841

NAMES.	Wh're c'nvict'd	CRIMES.	Wh'n C'nvict'd	T'm	When Discharged.
Sam'l Yates	Davidson	Grand Larceny	" 27, "	3	Jan. 37, 1841
H. B. M'Crory	do	Stealing Oxen	March 10, "	3	March 10, "
Levi Goens	Hamilton	Larceny	April 4, "	3	April 5, "
Wiley Alford	Grainger	Felony	May 28, "	2	May 30 "
Sterling Hindman	Perry	Larceny	Dec. 13, 1837	3	Dec. 17, 1840
John Randolph	Fayette	do	June 9th, 1838	2	July 25, "
George Gallimore	Roane	False Token	July 8, "	3	" 10, 1841
Alex. Plunkett	Hickman	Bigamy	" 16, "	2	" 2, 1840
Caleb Holly, (col'd)	Rutherford	Larceny	" 16, "	3	" 16, 1841
Jack Brown (col'd)	Williamson	do	" 20, "	3	" 13, "
Josiah Winters	Monroe	Horse Stealing	Sept. 21, "	3	Sept. 21, "
Joshua Mullins	Johnson	Petit Larceny	Nov. 29, "	2	Nov. 29, 1840
Charles J. Donal	Hamilton	do	Dec. 7, "	1	" 30, 1839
Jeremiah Oakley	Maury	do	Jan. 21, 1839	2	Jan. 21, 1841
Hes. Satterfield	Blount	do	Feb. 12, "	2	Feb. 12, "
John Wilson	do	do	" 12, "	1	" 12, 1840
Wm. Martin	Hamilton	do	April 2, "	1	April 3, "
Lewis Kirk	Hardin	do	" 7, "	1	" 7, "
O. M. D. Bostick	Benton	Bigamy	May 11, "	2	May 11, 1841
Thomas Lamsing	Davidson	Petit Larceny	June 4, "	1	June 4, 1840
Simpson Alexander	Weakley	do	" 11, "	1	" 11, "
Moses Lowe	Bledsoe	do	July 17, "	2	July 11. 1841
Fred. Branstutter	Sullivan	do	Aug. 14, "	2	Aug. 14, "
W. Sparks	Anderson	do	Nov. 25, "	1—6	Feb. 25, "
Chas. C. Mitchell	De Kalb	Hog Stealing	Dec. 16, "	1	Dec. 13, 1840

Statement of the number of Convicts discharged by Expiration of Sentence, from September 30th, 1839, to September 30th, 1841.

NAMES.	Wh're c'nvict'd	CRIMES.	When C'nvict'd	Trm.	When Discharged.
Debt. Henderson	Lawrence,	Grand Larceny	April 30, 1835	4—6	May 2d, 1840.
Reuben Tims	Stewart,	do	Oct. 5, "	5	Oct. 7 "
[illegible] Portram	Wayne,	Stealing a free colored child	Nov. 12, "	5	Jany. 1, 1841
Isaac Warren	Rutherford,	Horse Stealing	April 18, 1836	4	May 8th, 1840
John Petty	Franklin,	Grand Larceny	May 6, "	4	" 8th, 1840
N. Rye, alias Bradly	Maury,	do	" 17, "	4	" 17 "
Richd. Garther	Rutherford,	Horse Stealing	Oct. 28, "	3	Oct. 28, 1839
A. B. King	Knox,	Larceny	" " "	3	Jany. 15, 1840
James McNeece	Giles,	Assault to kill	Nov. 6, "	3	" 16 "
Richd. Trimble	Tipton,	Grand Larceny	" 1, "	3	" 15 "
Martin Armington	Stewart,	Larceny	" 25, "	3	" 15 "
James Orr	Marshall,	Horse Stealing	Dec. 2, "	3	Dec. 2d, 1839
Joseph Doane	Sullivan;	Grand Larceny	" 25, "	3	Jany. 16, 1840
J. F. Fogg	Giles,	Forgery	Jan. 20, 1837	3	Feb. 20, 1840
Aaron F. Jones	Wilson,	Horse Stealing	March 21, "	3	May 12, "
John Shepherd	Washington,	Receiving stolen goods	July 3, "	3	July 2, "
David Gawley	Gibson,	Malicious Stabbing	" 15, "	4	" 15, 1841
Sam'l Moore	Maury,	Grand Larceny	Sept. 11, "	3	Sept. 15, 1840
James Henry	Rutherford	do	Oct. 31, "	3—6	May 29, 1841
John Thompson	Wayne (col'd)	do	Nov. 12, "	2	Dec. 12, 1839
Harris Evans,	Rhea	Malicious Stabbing	" 17, "	2	Nov. 18, "
Sherwood Brake	Bledsoe	Felony	" 23, "	3	" 19, 1840
Curtis Manly	Henderson	Assault with intent to kill	Dec. 6, 1837	3	Dec. 15, 1840
Sam'l Rogers	Washington	Involuntary Manslaughter	" 6, "	2	" 31, 1839
Fernando Frazier	Shelby	Horse Stealing	Jan. 21, 1838	3	" 27, 1840

Statement of the number of Convicts discharged by Expiration of Sentence, from September 30th, 1839, to September 30th, 1841.

NAMES.	Wh're c'nvict'd	CRIMES,	When C'nvict'd	Trm	When Discharged
James Dalton	Robertson	Petit Larceny	Jan. 12, 1840	1	Jany. 13, 1841
Noel K. Johnson	Madison	do	" 21, "	1	" 21, "
Wm. Clark	White	do	Feb. 18, "	1	Feb, 18, "
Murdock Bullard	Gibson	do	March 18, "	1—6	Sept. 18, "
John Mahaffy	Bradley	do	May 7, "	1	May 7, "
Henry Kelly	Hawkins	do	June 9. "	1	June 9, "
Martin Scott	Bledsoe	do	July 23, "	1	July 15, "
Jackson M'Guire	Franklin	do	" 29, "	1	" 29 "
Wesley M'Guire	do	do	" 29, "	1	" 29 "

NAMES.	Wh're c'nvtct'd	CRIMES.	Wh'n C'nvict'd	Trm	When Discharged.
James W. Duncan	M'Minn	Horse Stealing	Nov. 8, 1833	8	Aug. 12, 1841
Thomas Ely	Claiborne	do	" 5, 1834	6	" 9, 1840
Larkin Tims	Stewart	do	Oct. 5, 1835	5	" 9, "
Wm. M. Duke	Perry	do	April 13, "	5	Jan. 29, 1841
Thomas Hudson	Bedford	Burglary and Larceny	Dec. 12, 1836	3	Nov. 8, 1839
Louis de St. Leger	Shelby	Assault to kill	Jan. 17, 1837	3	" 19, "
Guilford Cook	Dickson	Larceny	Feb. 19, "	3	Jan. 8, 1840
James H. Brown	Carroll	Grand Larceny	March 21, "	3	" 28, "
John Rhea	Washington	do	July 3, "	3	April 25, "
Joseph Hullett	Summer	do	Oct. 25 "	3	Sept. 3, "
Jonas Brown	Gibson	Felony	Nov. 18, "	3	" 17, "
W. P. Jacobs	Franklin	Forgery	Dec. 7, "	3	Oct. 2, "
Allen Jarnagin	Davidson	Malicious Stabbing	" 12, "	3	" 18, "
John Huffman	Fayette	Horse Stealing	Jan. 26, 1838	3	Dec. 28, "
Benj. Springs	White	Grand Larceny	June 19, "	3	May 20, 1841
And'w Swisegood	Knox	Horse Stealing	July 1, "	3	" 21, "
Peyton Elkins	do	Grand Larceny	" 1, "	3	" 21, "
John S. Crocker	M'Minn	Perjury	" 1, "	3	" 21, "
Craven C. Butts	Dyer	Petit Larceny	" 4, "	2	June 3, 1840
George Mezells	Haywood	Horse Stealing	Oct. 12, "	3	Aug. 18, 1841
Dan'l Doxey	Marshall	Malicious Stabbing	June 13, 1839	2	May 20, "
Wm. Campbell	Shelby	Larceny	Oct. 26, "	2	Sept. 14, "

NAMES.	Wh're C'nvict'd	CRIMES.	Wh'n Convict'd	Trm	When Discharged.
Isom Watson	Maury	Horse Stealing	May 19, 1837	5	June 4, 1841
Sam'l Holliday	Tipton	Voluntary Manslaughter	" 6, "	5	Oct. 11, 1839
Addison Leathe	Anderson	Stabbing	Nov. 24, "	3	Nov. 29, "
Joseph Gilbert	Warren	Murder	Dec. 31, 1838	2	Jan. 29, 1840
John Busbee	Henderson	do	Aug. 10, 1840	2	May 17, 1841
Wm. Sommerville	Wilson	Larceny	Oct. 3, "	3	Nov. 6, 1840
Larkin Turman	Giles	Petit Larceny	" 30, "	1	Dec. 8, "
John Heathcock	Davidson	Maiming	Dec. 31, "	2	Sept. 4, 1841
Elizab'th Henderson	Bradley	Larceny	Jan. 11, 1841	3	Aug. 21, "
DEATH.					
Zachariah Herrill, Claiborne,		Felony.	May 29, 1841.	1	
Died, July 19, 1841.		Disease, Billious Fever.			

I hereby certify that the foregoing accounts are correct to the best of my knowledge and belief.

H. J. ANDERSON, Agent and Keeper
Tennessee Penitentiary.

Sworn to before me, this 9th of October, 1841.
E. S. HALL, Justice of Peace.

Which report being read, on motion of Mr. Laughlin, was laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed by the House of Representatives, to transmit to the Senate a petition of sundry citizens of the counties of Rhea and Meigs, asking the passage of an act concerning the School lands.

And then withdrew.

Which was ordered to lie on the table.

Mr. Foster presented the Report of the Agent of the Tennessee Penitentiary, as follows:

To the General Assembly of the State of Tennessee, convened at Nashville.

The Agent of the Tennessee Penitentiary respectfully submits the subjoined statements, showing the receipts and expenditures for the two years, closed September the 30th, 1841, with tables annexed, giving the information required, relative to the convicts, for the same period.

H. J. ANDERSON, Agent.

Which is ordered to lie on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker I am directed by the House of Representatives, to inform the Senate that the House has read and considered the resolution of the Senate, proposing to appoint a joint select committee to wait on his Excellency Jas. C. Jones, Esq. Governor elect, and inform him of his election, and have amended the same, by adding, and that said committee wait on his Excellency James K. Polk, and notify him of the adoption of this resolution, and respectfully request his presence on the occasion; which resolution, with the amendment, is adopted by the House, and asks the concurrence of the Senate th erein.

And then retired.

The Senate took up said resolution and amendment thereto; which being read, was concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

Ordered, That Messrs Ashe, Nelson, and Williams, be appointed of said committee, on part of the Senate.

On motion of Mr. Foster,

The report of the Inspectors of the Penitentiary, and the report of the Agent of said Penitentiary, were taken up, and severally read.

And on motion of Mr. Foster,

Said reports are ordered to be transmitted to the House of Representatives.

On motion of Mr. Johnson,

The Senate took up the message from the House of Representatives, proposing to go into an election for Judge of the first Judicial Circuit; which being read, was concurred with.

Ordered, That the clerk acquaint the House therewith.

Mr. Jennings submitted the following:

Resolved by the General Assembly of the State of Tennessee, That in order to prevent the loss of the books and papers of the office of the Secretary of State, that officer be, and he is hereby required to permit no person to remove a book or paper out of his possession unless upon a written order, signed by the person desirous to make such removal, which order shall be filed, and shall be given up only on the return of the books or papers, for which the order has been given.

Resolved further, That the door keepers of the Senate and House of Representatives, be, and they are hereby required, at such times as the Secretary of State may call upon them, to go in search of all books and papers that the members of the General Assembly may fail within a reasonable time to return to his office: *Provided*, That the door keepers perform the duty herein enjoined at such hours as will prevent interference with the duties incident to their attendance on their respective houses.

Which being read, it is

Ordered to lie on the table.

On motion of Mr. Ashe,

A bill from the House of Representatives, to change the time of holding the term of the Circuit Court of Madison county, from the 4th Monday in October, to the 4th Monday in December, and for other purposes, was read a second time, and passed.

On motion of Mr. Martin,

The Senate adjourned until 2 o'clock.

EVENING SESSION.

The Senate met agreeably to adjournment.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to acquaint the Senate that the House of Representatives is ready to receive the Senate at their Hall, to proceed to the election of a Judge of the 1st Judicial Circuit.

Whereupon Mr. Speaker Turney and gentlemen of the Senate proceeded to the hall of the House of Representatives.

Whereupon the Senate and House of Representatives in convention assembled, proceeded to the election of Judge for the first Judicial Circuit.

Mr. Brookins Campbell nominated Seth J. W. Lucky.

And there being no opposing candidate,

Those of the Senate who voted for S. J. W. Lucky, were, Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney, 25.

There also voted for Seth J. W. Lucky, of the House of Representatives, seventy-three votes.

Whereupon, Mr. Speaker Turney, of the Senate, declared that Seth J. W. Lucky, Esq. was duly and constitutionally elected Judge of the 1st Judicial Circuit, for the State of Tennessee, for the ensuing eight

ces

The Senate and House of Representatives then proceeded to the election of a Register for Middle Tennessee.

And the joint resolution of both Houses being read, announcing that said election would be held, when

Mr. Jennings nominated Lindley M. Bransford.

There being no opposition,

Those who voted for Mr. Bransford, were, Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Speaker Turney, 25.

There were also cast for Mr. Bransford, in the House of Representatives, 73 votes.

Whereupon, Mr. Speaker Turney declared Lindley M. Bransford duly and constitutionally elected Register for Middle Tennessee, for and during four years next ensuing.

The Speaker of the Senate, and gentlemen of the Senate, returned to their chamber, and renewed their session.

Mr. Ledbetter submitted the following:

Resolved, That the committee on Education and Common Schools be directed to enquire into the expediency of abolishing the office of Superintendent of Public Instruction, and of transferring the duties of that office to the Bank of Tennessee, and the Comptroller of the Treasury, and that the committee report by bill or otherwise.

And said resolution being read, it is ordered to lie on the table.

Mr. Williams submitted the following:

Resolved, That the Comptroller be instructed to report the Senate, what Academies have drawn the whole amount of the Academy fund to which they may be entitled; what ones have drawn a part only, and what ones have omitted to apply for any portion of the same.

Which being read, it is ordered to lie on the table.

The resolution heretofore submitted by Mr. Laughlin, proposing to instruct our Senators and request our Representatives in Congress to pass additional laws on the subject of horses and other property lost in the Florida war, by the volunteers of Tennessee, was taken up, and being read,

On motion of Mr. Reneau, leave was given him to withdraw said resolution for amendment.

Mr. Warner moved to take up the resolution from the House of Representatives, proposing that the Senate meet the House of Representatives in their hall, on the 19th instant, to elect an Attorney General for the 5th District.

And the sense of the Senate being taken thereon, said motion was rejected.

On motion of Mr. Waterhouse,

The Senate took up the message of the House of Representatives, and the amendments to the resolution of the Senate to elect an Entry Taker and Register in the Ocoee District, being read, the Senate non-concurred in the amendment of the House, so far as it relates to the election of Register, and concur in striking out the words "Entry Taker."

Ordered, That the clerk acquaint the House therewith.
On motion of Mr. Ledbetter,
The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, October 12, 1841.

Mr. Reneau returned without amendment, the resolution submitted by Mr. Laughlin, proposing to instruct our Senators, and request our Representatives in the Congress of the United States, to pass additional laws on the subject of horses, and other property lost by the volunteers of Tennessee, in the late Florida war.

Mr. Laughlin presented the memorial of James Bradford, praying that the amount of a fine, imposed by the sentence of the Circuit Court of Warren county, may be refunded to him.

Which being read, when

On motion of Mr. Laughlin,

Ordered, That said memorial be referred to the Committee on Claims.

Mr. Laughlin submitted the following:

Resolved, That the clerk of the Senate be directed to write to the clerks of the County Courts of the several counties from which no returns of the State census have been received, requesting said clerks forthwith to send by mail, addressed to the Speaker of the Senate, the necessary certificates, the number of free white male inhabitants of their respective counties, as required by the act of 29th January, 1840, entitled "an act to provide for the taking of the enumeration of the free white male inhabitants of the State of Tennessee."

Which resolution was read, when

On motion of Mr. Laughlin, the rule requiring resolutions to lie on the table, being suspended,

Said resolution was adopted.

Mr. Foster submitted the following, in lieu of a resolution by him submitted, referring the Governor's Message, with the accompanying documents, to the appropriate committees.

Resolved, That so much of the Governor's Message as relates to elections, be referred to the committee on Privileges and Elections.

So much of said Message as relates to the expenditures of the State, be referred to the committee of Ways and Means.

So much of said Message as relates to the revenue, be referred to the committee on Finance.

So much of said Message as relates to Education and Common Schools, be referred to the committee on Education and Common Schools.

So much of said Message as relates to the Judiciary, be referred to the committee on the Judiciary.

So much of said Message as relates to the subject of Internal Improvement, be referred to the committee on Internal Improvements.

So much of said Message as relates to Military Affairs, be referred to the committee on Military Affairs.

So much of said Message as relates to Counties and County Lines, be referred to the committee on New Counties and County Lines.

So much of said Message as relates to the subject of the Penitentiary, be referred to the committee on the Penitentiary.

So much of said Message as relates to the subject of Banks, be referred to the committee on Banks.

So much of said Message as relates to the subject of Public Lands, be referred to the committee on Public Lands.

So much of said Message as relates to Public Roads, be referred to the committee on Public Roads.

So much of said Message as relates to the Federal Government, with the accompanying documents, be referred to the committee on Federal Relations.

Which resolution was read; when, on motion of Mr. Foster, the rule requiring the same to lie over one day, being suspended, said resolution was adopted.

On motion of Mr. Jennings,

The Senate took up the consideration of the resolution by him submitted on yesterday, to prevent the removal of books and documents from the office of the Secretary of State, and for other purposes;

Which was read, and laid on the table.

Mr. Williams submitted the following:

Resolved, That a standing committee be created, to be denominated the committee on Agriculture.

Which resolution was read; when on motion of Mr. Williams, the rule requiring said resolution to lie over one day, being suspended, when Mr. Foster moved to amend said resolution, by adding thereto the words "and Manufactures;" which motion prevailing, said resolution and amendment was adopted.

Mr. Speaker Turney appointed Messrs. Williams, Gardner, Ledbetter, Frey, and Miller, a committee on Agriculture and Manufactures.

Mr. Gardner submitted the following:

Whereas it is the opinion of this General Assembly, that wisdom and sound policy require that the peculiar interest of all the laboring classes of society, but more especially, the agricultural industry and enterprise of the country, should be protected and encouraged to the utmost practicable extent, by proper and judicious legislation; and whereas, the State of Tennessee is and must continue to be Agricultural in her leading pursuits, and can alone look with strong hopes and unshaken confidence of success to her agricultural resources for the principal elements of social comfort, individual wealth, and permanent prosperity; and whereas, her enterprising and industrious population is becoming extensively engaged in the culture of tobacco, at present the leading and most valuable of all her agricultural staples; and whereas, this product of American growth, on entering the ports of almost every foreign country, to which it is exported, is subjected to unreasonable and enormous duties and restrictions, amounting, in many of these countries, almost to prohibition: Therefore,

1st. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost influence and exertions for the adoption of such measures as, in their opinions, will result in relief to this great

agricultural interest, of a large portion of the American people, by the speedy removal of existing restraints, or the reduction of the present high duties on American tobacco, entering foreign ports, to a fair revenue standard.

2d. *Resolved*, That in the opinion of the General Assembly, wisdom indicates a resort to negotiations as the first and best means of accomplishing this great and important object.

3d. *Resolved*, That should the arts of diplomacy fail to secure the desired relief, in that event, this General Assembly hereby instructs our Senators, and requests our Representatives, in the Congress of the United States, to resort to a system of countervailing duties, to be imposed on the luxuries imported from those foreign countries to which American tobacco is sent, and in which it is subjected to the enormous duties so justly complained of.

4th. *Resolved*, That should a resort to the system of the countervailing duties here recommended become necessary to accomplish the objects in view, then and in that case, it is the sense of this General Assembly that the Congress of the United States ought to reduce this existing duty on articles of comfort and necessity, so that the aggregate amount of revenue collected from imports shall not exceed the wants of the Federal Government, when economically administered.

5th. *Resolved*, That a copy of the foregoing preamble and resolutions be communicated by the Governor of the State to each of our Senators and Representatives in Congress, and also to the Governors of the States of Virginia, Maryland, Kentucky, Ohio, Indiana, Illinois, and Missouri, with a request that they be laid before their respective Legislatures, at the earliest opportunity, and that said States be respectfully requested to co-operate with the State of Tennessee, in the accomplishment of the object of the foregoing resolutions.

Which resolutions were read, and on motion of Mr. Gardner, were laid on the table.

Mr. Miller introduced

"A bill (No. 9) to consolidate the funds, and to provide for but one, instead of two separate classes of Common Schools, in the Hiwassee and Ocoee Districts, of the State of Tennessee."

Which was read a first time and passed.

And on motion of Mr. Miller, was referred to the committee on Education and Common Schools.

On motion of Mr. Laughlin,

The Senate took up the consideration of the preamble and resolutions by him submitted on yesterday, relating to the claims of the volunteers of Tennessee, in the war of Florida, for horses, accoutrements, and other property, lost in the said service; which were read, and on motion of Mr. Laughlin, said preamble and resolutions were adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Gardner submitted the following:

Whereas a due regard to public economy, and the pecuniary interests of our common constituency, render the members of the present General Assembly anxious to prevent, if possible, a call of the Legisla-

ture of the State, in extra session, for the purpose of arranging Congressional Districts, under the apportionment of representation in the National Legislature, which is expected will be made at the approaching session of Congress: Therefore,

1st. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring the passage of the contemplated apportionment bill, at the earliest period possible of the approaching session of Congress, so that the present General Assembly, before it separates, may act in the arrangement of new Congressional Districts.

2d. *Resolved*, That to promote this object, our Senators in Congress be, and they are hereby requested, immediately on the passage of an apportionment bill, to transmit a copy thereof to the Governor of this State, that the same may be laid before the Legislature at its present session.

3d. *Resolved*, That a copy of the foregoing preamble and resolutions be forwarded to each of our Senators and Representatives in Congress.

And said preamble and resolutions were read,

And on motion of Mr. Gardner, laid on the table.

Mr. Williams submitted the following:

Resolved, That the committee on Finance be instruc'ed to enquire into the expediency of consolidating the offices of Treasurer and Comptroller, and of transferring a part of their duties to the Bank of Tennessee.

Which being read, was ordered to be laid on the table.

The Senate took up on its second reading,

"A bill to repeal the 2d and 4th sections of the act of 1811, chapter 113;" which was read a second time and passed.

And on motion of Mr Ledbetter, was referred to the Judiciary Committee.

The Senate took up on its second reading,

"A bill to establish a Chancery Court at Sparta, in the county of White;" which was read a second time and passed.

And on motion,

Was referred to the Judiciary Committee.

The Senate took up on its second reading,

"A bill to amend an act, entitled an act to provide for the probate and registration of deeds and other instruments, passed December, 1831, chapter 90;" which was read a second time and passed.

And on motion of Mr. Ledbetter, was referred to the Judiciary Committee; and

Ordered, That twenty-five copies be printed for the use of the Senate.

The Senate took up, on its third reading, a bill from the House of Representatives,

"A Bill to change the time of holding the term of the Circuit Court of Madison county, from the 4th Monday in October, to the 4th Monday in December, and for other purposes."

Mr. Ashe moved the following amendment:

Section 3d. *Be it enacted*, That the Judge of the Circuit Court of Madison county shall open said Court upon the 4th Monday of October, 1841, and keep said Court open until State's day, and take the recognizance of defendants, to appear at the term of said Court, to be holden as provided in this act, and if any defendant recognized to appear at the October term of said court, shall fail to appear, as bound in said recognizance, a forfeiture shall be taken against said defendants and their bail; and said bill and amendment was read a third time.

The yeas and nays being demanded, those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Turney, Warner, Waterhouse, and Williams, 25.

So said bill was passed.

Ordered, That the Clerk transmit said bill, with the amendment, to the House of Representatives, and request their concurrence therein.

Mr. Turney introduced

"A bill for the benefit of Endorsers and Securities;" which was read a first time and passed;

And on motion of Mr. Ledbetter, was referred to the Judiciary Committee.

Mr. Matthews introduced

"A bill to regulate the salaries of the officers of the Bank of Tennessee, and thereby save the State of Tennessee 7,000 dollars;" which was read a first time and passed, and on motion of Mr. Ledbetter, referred to the Committee on Banks.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am instructed by the House of Representatives to transmit the memorial of certain citizens of the counties of Rhea and Meigs, relating to the school lands, and ask the co-operation of the Senate therein.

And then he withdrew.

On motion of Mr. Miller,

Ordered, That the said memorial be referred to the Committee on Education and Common Schools.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted a resolution that the Senate meet the House in its Hall on Wednesday the 13th inst., for the purpose of electing an Attorney General in the third Judicial Circuit, and ask the concurrence of the Senate therein.

And then withdrew.

And said message being read, on motion of Mr. Waterhouse, was laid on the table.

On motion of Mr. Ross,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Ledbetter submitted the following:

Resolved, That the Committee on Agriculture and Manufactures be directed to enquire into the expediency of establishing by law at Nashville, and such other places in the State as may be thought advisable, a public inspection of tobacco, and for the election of Inspectors by the two Houses of the General Assembly.

Which was read and ordered to lie on the table.

On motion of Mr. Foster,

Leave of absence was granted to the Joint Select Committee, appointed on part of the Senate to wait on his Excellency James C. Jones, Governor elect, to notify him of his election.

On motion, the Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, October 13, 1841.

The Senate met pursuant to adjournment.

Mr. Ashe, from the Joint Select Committee, appointed to wait upon his Excellency James C. Jones, and acquaint him of his election as Governor of the State of Tennessee, and for other purposes, submitted his report that said services had been perfcrmed; which being read is concurred in.

On motion of Mr. Ashe,

It is ordered that the Clerk transmit a copy of said report to the House of Representatives, and ask their concurrence therein.

Mr. Ledbetter submitted the following:

Resolved by the General Assembly, That the Senate meet the House of Representatives in their Hall, on Friday the 22d inst., for the purpose of electing two Senators to represent the State of Tennessee in the Congress of the United States; which was read and laid on the table.

Mr. Foster presented

A bill to amend an act entitled "an act to authorise suits to be brought jointly against the makers and endorsers of promissory notes, and other instruments;" which was read a first time and passed.

Mr. Gardner introduced

A bill to legalise the payment of interest on open accounts, in certain cases, and for other purposes; which was read a first time and passed.

On motion of Mr. Miller,

The Senate took up the consideration of the resolution from the House of Representatives, proposing that the Senate do meet the House at their Hall, on Wednesday the 13th inst., for the purpose of electing an Attorney General for the 3d Judicial Circuit; which being read, was on motion of Mr. Miller, amended, by striking out the the "13th inst.," and inserting in lieu thereof, "Friday the 15th instant;" which amendment was adopted.

Ordered, That the clerk inform the House of Representatives therewith, and ask their concurence thereon.

Mr. Hardwicke in the Chair,

Mr. Turney submitted the following:

1st. *Resolved*, That the committee on Banks be instructed to enquire into the propriety of authorising the Bank of Tennessee, to issue notes of the denomination of one dollar and upwards.

2d. *Resolved*, That the said committee be instructed to enquire into the propriety of authorising the said Bank to make all the notes of the principal Bank and branches, payable at the principal Bank, to consolidate the specie capital, and to give the principal Bank a control of the branches.

Resolved further, That the said committee be instructed to enquire into the propriety of so regulating the calls of the Bank and branches, or either, that they shall only call ten per cent semi-annually, if not upon large notes of traders and speculators, at least upon small notes of the farmers and mechanics, so as to allow them to renew their notes by paying ten per cent semi-annually, until all is paid, and report by bill or otherwise to the Senate; which being read, was laid on the table.

Mr. Johnson introduced

"A bill directory to clerks, witnesses, and suitors, and to amend the law relative to witnesses' attendance;" which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the resolution of the Senate in relation to the claims of the Tennessee volunteers, for horses and other property lost in Florida; in which they concur.

The House of Representatives have adopted a resolution proposing to go into the election of an Attorney General for the first Solicitorial District on Saturday, the 25th inst.

They have also adopted a resolution proposing to go into the election of an Attorney General for the tenth Judicial Circuit on the first Monday of November next; in which resolutions they ask the concurrence of the Senate.

And then withdrew.

Which was laid on the table.

Mr. Bradbury introduced

"A bill to protect the owners or keepers of toll-gates, bridges, and ferries;" which was read a first time and passed.

On motion of Mr. Ledbetter,

The Senate took up the consideration of a resolution submitted by Mr. Gardner, directory to the Committee on Agriculture and Manufactures; when on motion of Mr. Gardner, leave was granted him to withdraw said resolution for amendment.

Mr. Laughlin submitted the following:

Resolved, That a select committee of seven, two from the eastern, two from the western, and three from the middle division of the State, be appointed to take into consideration the enumeration of the free white male inhabitants of the State, taken in pursuance of the act of the 29th of January, 1840, entitled "An act to provide for the enumeration of the free white male inhabitants of the State of Tennessee,

and shall take into consideration and report upon the apportionmentlof the Senatorial Districts and representation in the General Assemby, according to the provisions of the second article of the Constitution of the State of Tennessee.

On motion of Mr. Foster,

The Senate adjourned until 2 o'clock.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Speaker Turney presented to the Senate a communication from T. F. Fanning, Secretary of the Tennessee Agricultural Society, inviting the gentlemen of the Senate to attend a meeting of the Society, to be held at the Reformed Baptist Church, on this day at 3 o'clock, P. M.

And on motion of Mr. Williams,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, October 14, 1841.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution, that the Senate meet the House at their Hall on the nineteenth inst., for the purpose of electing an Attorney General in the fifth Solicitorial District.

They have also adopted a resolution proposing that the Senate meet the House at their Hall, on the first Monday of November next, at 2 o'clock, P. M., for the purpose of electing an Attorney General in the 10th Judicial Circuit.

They have adopted a resolution, proposing that the Senate meet the House of Representatives at their Hall, on Wednesday, the 10th of November, to go into the election of an Entry Taker for the Ocoee District, in which they ask the Senate respectively to concur.

And then he withdrew.

Mr. Hardwicke introduced

"A Bill to equalise the discounts at the Branches of the Bank of Tennessee and for other purposes;" whichwas read a first time and passed, and on motion of Mr. Martin was referred to the Committee on Banks.

Mr. Laughlin introduced

A bill to remove the seat of Government from Nashville; which was read a first time and passed.

Mr. Nelson introduced

A bill to repeal the 9th section of the 68th chapter of the acts of 1833; which was read a first time and passed.

Mr. Foster introduced

A bill to provide for, and secure femes covert in the possession and enjoyment of property.

Which was read a first time and passed.

On motion of Mr. Ledbetter,

It is ordered that one hundred copies of said bill be printed.

On motion of Mr. Gardner,

The Senate took up the consideration of their amendment to the bill from the House of Representatives, to alter the time of holding the term of the Circuit Court in the county of Madison, from the fourth Monday in October, to the fourth Monday in December.

Which being read, and the sense of the Senate being had thereon, the Senate agrees to recede from their amendment to said bill, and

Ordered, That the clerk transmit said bill to the House of Representatives, and inform them therewith.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am instructed to inform the Senate that the House of Representatives are now ready to receive them in their Hall, in accordance with the provisions of a joint resolution heretofore adopted by both Houses of this General Assembly, for the purpose of inaugurating the Honorable James C. Jones, the Governor elect of the State of Tennessee.

And then he withdrew.

And on motion of Mr. Hardwicke,

The Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon, the General Assembly proceeded to the Methodist Church in the city of Nashville, where the business of the day was opened with prayer by the Rev. A. L. P. Green.

His Excellency James K. Polk then delivered his valedictory.

Whereupon, the Honorable James C. Jones, the Governor elect in and over the State of Tennessee, took an oath to support the Constitution of the United States, the Constitution of the State of Tennessee, and the oath of office, and an oath prescribed by law, to prohibit duelling, administered by the Honorable E. Dillahunty, one of the Judges of the Circuit Courts of law for the State of Tennessee.

His Excellency James C. Jones, Governor of the State of Tennessee, then delivered his Inaugural Address in presence of both Houses of the General Assembly, and a large number of his fellow-citizens being present.

The ceremonies of the inauguration being closed by prayer, from the Rev. Girard Van Buren, the two houses of the General Assembly returned to the Capitol in the order of procession assigned by the Joint Select Committee.

The Speaker and gentlemen of the Senate to their chamber, and

The Speaker and gentlemen of the House of Representatives to their Hall.

The Senate having returned to their Chambet, from the Inauguration of his Excellency James C. Jones, the Governor elect of the State of Tennessee, resumed its session.

No. 12. The Senate then took up the consideration of a bill to amend an act entitled "an act to authorise suits to be brought jointly against the makers and endorsers of promissory notes and other instruments;" which was read a second time and passed.

On motion of Mr. Foster,

Said bill was referred to the Committee on the Judiciary.

No. 13. The Senate then took up the consideration of a "bill to legalise the payment of interest on open accounts in certain cases, and for other purposes;" which was read a second time,

And on motion of Mr. Laughlin,

Was referred to the Committee on the Judiciary.

No 14. The Senate then took up the consideration of a bill, directory to clerks, witnesses, and suitors, and to amend the law relative to witnesses' attendance.

And on motion of Mr. Laughlin,

Was referred to the Committee on the Judiciary.

The Senate then took up the consideration of the resolution of the House of Representatives, that the Senate meet the House in their Hall, on Saturday the 16th inst., for the purpose of electing an Attorney General for the first Solicitorial District; which being read,

When on motion of Mr. Powell,

It is ordered to be laid on the table.

The Senate then took up the consideration of the resolution adopted by the House of Representatives, proposing that the Senate meet the House in their Hall, on the first Monday of November next, at 2 o'clock, P. M., for the purpose of electing an Attorney General for the 10th Judicial Circuit.

Which being read, is concurred with.

Ordered, That the clerk acquaint the House therewith.

The Senate then took up the consideration of the resolution of the House of Representatives, proposing that the Senate meet the House in their Hall, on Wednesday the 10th of November next, for the purpose of electing an Entry Taker in the Ocoee District.

Which on motion of Mr. Laughlin,

Was laid on the table.

The Senate took up the consideration of the resolution of the House of Representatives, proposing to meet the House in their Hall, on the 19th day of October, (inst.,) for the purpose of electing an Attorney General for the fifth Solicitorial District.

Which being read,

Was laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to inform the Senate, that the House of Representatives have taken up the consideration of the resolution of the Senate, proposing to meet the House in their Hall, on the 20th inst., for the purpose of electing an Attorney General for the 5th Judicial Circuit.

And then he withdrew.

On motion of Mr. Hardwicke,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, October 15th, 1841.

The Senate met agreeably to adjournment.

Mr. Speaker Turney presented the return of the census of the free white male inhabitants in the county of Lawrence, of the age of twenty-one years and upwards, taken under the act of the General Assembly, passed 29th of January, 1840; which was ordered to be filed with the report of the Secre ary of State, and entered upon his tabular statement, in said report referred to.

Mr. Laughlin presented

"A bill to amend the law now in force, in relation to administration of the estates of deceased persons;" which was read a first time and passed.

And on motion of Mr. Laughlin,

Was referred to the Committee on the Judiciary.

Mr. Gardner returned the resolution by him submitted on the 12th instant, directory to the committee on Agriculture and Manufactures, with the following, which he asks and is permitted to submit in lieu thereof:

Resolved by the Senate of the General Assembly of the State of Tennessee, That the committee on Agriculture and Manufactures be, and they are hereby, instructed to enquire into the expediency of offering on the part of the State, bounties for the following articles, namely:

1st. For raw silk per pound, or cocoons per bushel, as in the opinion of said committee shall be deemed most expedient, such silk or cocoons to be the produce of the State.

2d. For silk fabrics manufactured within the limits of the State, from raw materials, the products of this State.

3d. For wool per pound, the growth of this State.

4th. For all fabrics manufactured of wool within the limits of this State, out of wool the growth of this State.

5th. For all cotton fabrics now imported, or brought from other States, and which enter exclusively into the consumption of the citizens of this State.

Resolved, That said Committee also be instructed to enquire into the expediency of making some appropriation of money, out of the Treasury of the State, to such Agricultural Societies in the State, as now are, or may at any time hereafter, be organised for the purpose of promoting the objects of said societies.

Resolved, That said Committee also be required to report upon the propriety of endowing an Agricultural School in each of the grand divisions of the State, in which the science of agriculture, in all its departments, shall be taught theoretically and practically, by competent professors employed for that purpose, in connection with such other sciences as are usually taught in the higher seminaries of learning in this State.

Resolved, That said Committee have leave to *report* upon all the foregoing subjects by bill or otherwise; which being read, on motion of Mr. Reneau, said resolution was laid on the table.

On motion of Mr. Ledbetter,

The Senate took up the consideration of the resolution, by him submitted on the 12th instant, directory to the committee on Agriculture and Manufactures, to inquire into the expediency of establishing, by law, at Nashville and other places, a public Inspection of Tobacco, and for the election of Inspectors by the two Houses of the General Assembly.

Which was laid on the table.

The Senate then took up the consideration of a resolution, submitted by Mr. Laughlin, to raise a committee to report on the enumeration of the free white male inhabitants of this State, and the apportionment of representation in the General Assembly, according to the second article of the Constitution of the State of Tennessee.

Which was laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to inform the Senate that the House of Representatives is now ready to receive the Senate in their Hall, for the purpose of going into the election of an Attorney General in the Third Judicial Circuit, agreeably to a joint resolution adopted by both Houses of the General Assembly of the State.

And then he withdrew.

Whereupon, Mr. Speaker Turney, and gentlemen of the Senate, repaired to the Hall of the House of Representatives, and said resolution being read, and the amendment of the Senate thereto, made by the Senate and concurred in by the House of Representatives, the two Houses of the General Assembly of the State of Tennessee proceeded, *viva voce*, to elect an Attorney General for the Third Judicial Circuit.

When John T. Coffee, Bynum Jarnagin, Samuel Frazier, and Samuel L. Childress, Esquires, were put in nomination.

Those gentlemen of the Senate who voted for Mr. Coffee, are

Messrs. Hardwicke, Laughlin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 10—and gentlemen of the House of Representatives, 25—in all 35.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Peyton, Reneau, and Williams, 10—and gentlemen of the House of Representatives, 21—in all 31.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, Maclin, and Sevier, 4—and gentlemen of the House of Representatives, 20—in all 24.

Those of the Senate who voted for Mr. Childress, are

Mr. Nelson, 1—and gentlemen of the House of Representatives, 7—in all 8.

The Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election?

Which being decided in the affirmative, proceeded a second time, *viva voce*, to elect an Attorney General in said Circuit; when Mr. Childress was withdrawn.

Those gentlemen of the Senate who voted for Mr. Coffee, are

Messrs. Hardwicke, Laughlin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 10—and gentlemen of the House of Representatives, 27—in all 37.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Motley, Peyton, Reneau, Williams, 8—and gentlemen of the House of Representatives, 28—in all 36.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Jennings, Johnson, Ledbetter, Maclin, Nelson, and Sevier, 7—and gentlemen of the House of Representatives, 19—in all 26.

The Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded a third time, *viva voce*, to elect an Attorney General in said Circuit.

Those gentlemen of the Senate who voted for Mr. Coffee, are

Messrs. Hardwicke, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 10—and gentlemen of the House of Representatives, 27—in all 37.

Those who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—and gentlemen of the House of Representatives, 32—in all 44.

Those who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, and Martin, 3—and gentlemen of the House of Representatives, 15—in all 18.

The Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded a fourth time, *viva voce*, to elect an Attorney General in said Circuit.

Those gentlemen of the Senate who voted for Mr. Coffee, are

Messrs. Hardwicke, Laughlin, Martin, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 9—and gentlemen of the House of Representatives, 27—in all 36.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Peyton, Reneau, and Williams, 10—and gentlemen of the House of Representatives, 29—in all 39.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, Maclin, Matthews, Nelson, and Sevier, 6—and gentlemen of the House of Representatives, 18—in all 24.

Whereupon the Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded a fifth time, *viva voce*, to elect an Attorney General in said Circuit.

The gentlemen of the Senate, who voted for Mr. Coffee, are

Messrs. Hardwicke, Laughlin, Martin, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 9—and gentlemen of the House of Representatives, 28—in all 37.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, and Williams, 11—and gentlemen of the House of Representtatives, 31—in all 42.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, Maclin, Matthews, and Sevier, 5—and gentlemen of the House of Representatives, 15—in all 20.

Whereupon the Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded a sixth time, *viva voce*, to elect an Attorney General in said Circuit.

Those gentlemen of the Senate who voted for Mr. Coffee, are

Messrs. Hardwicke, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 10—and gentlemen of the House of Representatives, 29—in all 39.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—and gentlemen of the House of Representatives, 33—in all 45.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, and Laughlin, 3—and gentlemen of the House of Representatives, 12—in all 15.

When Mr. Frazier was withdrawn.

The Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative; when Mr. Samuel Frazier and Samuel L. Childress were re-nominated by gentlemen of the House of Representatives, and proceeded a seventh time, *viva voce*, to elect an Attorney General for said Circuit.

Those gentlemen of the Senate who voted for Mr. Coffee, are:

Messrs. Hardwicke, Laughlin, Maclin, Martin, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney, 10—and gentlemen of the House of Representatives, 17—in all 27.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Peyton, Reneau, and Williams, 10—and the House of Representatives, 29—in all 39.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, and Matthews, 3—and of the House of Representatives, 22—in all 25.

Those of the Senate who voted for Mr. Childress, are

Messrs. Nelson and Sevier, 2—and of the House of Representatives, 7—in all 9.

The Speaker declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded *viva voce* to elect an Attorney General in said Circuit.

Those who voted (the *eighth time*) for Mr. Coffee, are

Messrs. Hardwicke, Laughlin, Miller, Powell, Warner, Waterhouse, and Mr. Speaker Turney, 7—and those gentlemen of the House of Representatives, 10—in all 17.

Those gentlemen of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Peyton, Reneau, and Williams, 10—and the House of Representatives, 31—in all 41.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, Maclin, Matthews, and Ross, 6—and gentlemen of the House that voted for Mr. Frazier, 30—in all 36.

Those of the Senate who voted for Mr. Childress, are

Messrs. Nelson, and Sevier, 2—and those of the House of Representatives, 4—in all 6.

Whereupon, Mr. Childress was withdrawn.

The Speaker of the Senate declared that there was no election and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded a *ninth time, viva voce*, to elect an Attorney General for said Circuit.

Those gentlemen of the Senate who voted for Mr. Coffee are

Messrs. Hardwicke, Laughlin, Miller, Powell, and Waterhouse, 5—and the gentlemen of the House of Representatives, 8—in all 13.

Those of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—and gentlemen of the House of Representatives, 35—in all 47.

Those of the Senate who voted for Mr. Frazier, are

Messrs. Gardner, Johnson, Maclin, Martin, Matthews, Ross, Warner, and Mr. Speaker Turney, 8—and of the House of Representatives 32—in all 40.

Mr. Coffee was then withdrawn.

The Speaker of the Senate declared that there was no election, and put the question:

Shall the two Houses of the General Assembly proceed in the election of an Attorney General?

Which being decided in the affirmative, proceeded a *tenth* time, *viva voce*, to elect an Attorney General for said Circuit.

Those gentlemen of the Senate who voted for Mr. Jarnagin, are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Mot-

ley, Nelson, Peyton, Reneau, Sevier, Waterhouse, and Williams, 13—and of the House of Representatives, 35—in all 48.

Those of the Senate, who voted for Samuel Frazier, are

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Mr. Speaker Turney, 12—and those who voted for Samuel Frazier of the House of Representatives are 40—in all 52.

Whereupon, the Speaker of the Senate declared that Samuel Frazier was duly and constitutionally elected Attorney General for the third Judicial Circuit for six years next ensuing.

Whereupon the Speaker and gentlemen of the Senate returned to their chamber, and resumed their session.

When, on motion of Mr. Ledbetter,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Oct. 16th, 1841.

The Senate met pursuant to adjournment.

Mr. Foster from the committee on the Judiciary, made an unfavorable report on

A bill to amend an act, to re-organize the County Courts in this State, passed December 3rd, 1835, ch. 6.

Referred to said committee, and recommended its rejection.

On motion of Mr. Powell,

Said bill and report was laid on the table, and leave was given him to withdraw said bill for amendment.

The Senate took up the consideration of

A bill to remove the seat of government from Nashville.

Which being read, Mr. Turney moved to fill the blank with McMinnville, Warren county—and the question being put,

Shall the blank be filled with McMinnville, Warren county?

The yeas and nays being demanded,

Those who voted in the affirmative were

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Matthews, Motley, Nelson, Peyton, Sevier, and Williams—12.

So said motion prevailed.

Mr. Jennings moved to lay said bill on the table,

And the yeas and nays being demanded,

Those who voted in the affirmative are

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—11.

Those who voted in the negative are

Messrs. Gardner, Hardwicke, Johnson, Ledbetter, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—14.

So said motion was rejected,

And, on motion of MR. Laughlin, said bill was read a second time and passed.

Mr. Laughlin submitted a preamble and resolutions on Federal relations;

Which were read, and on motion of MR. Laughlin, leave was granted him to withdraw said preamble and resolutions for amendment.

A message from the House by MR. Mitchell their clerk:

MR. SPEAKER: The House of Representatives have adopted a resolution that the Senate meet the House at their Hall, on Friday the 5th of November next, for the purpose of electing an Attorney General for the 8th Judicial Circuit.

The House of Representatives have also adopted a resolution that the Senate meet the House at their Hall, on Wednesday the 27th inst., to go into the election of an Attorney General for the 4th Judicial Circuit, which is referred to the Committee on the Judiciary, and ask the concurrence of the Senate therewith.

And then withdrew.

The Senate, on motion of MR. Martin, took up the consideration of the message from the House of Representatives proposing that the Senate meet the House, in their Hall, on the 5th day of November next, for the purpose of electing an Attorney General for the 8th Judicial Circuit,

Which being read, on motion of MR. Warner, was laid on the table.

The Senate, on motion of MR. Johnson, took up the consideration of the message from the House of Representatives, proposing to go into the election of an Attorney General for the 1st Judicial Circuit,

Which being read, the Senate non-concur therein, and on motion of MR. Johnson, the word "sixteenth" is stricken out, and said resolution amended by inserting therein the word "nineteenth,"

Which being read was accepted.

Ordered, That the Clerk transmit said resolution and amendment to the House of Representatives, and ask their concurrence therein.

The Senate on motion of MR. Peyton, took up the consideration of the message from the House of Representatives proposing to the Senate to go into the election of an Attorney General for the *Fourth* Judicial Circuit, on Wednesday the 27th inst.,

Which was read.

On motion of MR. Ross, was referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed by the House of Representatives, to transmit to the Senate, No. 11, "A bill to amend an act passed in 1825, chap. 52, for the correction of errors in grants."

And then he withdrew.

The Senate took up the consideration of a bill from the House of Representatives, No. 11:

A bill to amend an act passed in 1825, chap. 52, for the correction of errors in grants.

Which was read a first time and passed.

Mr. Johnson introduced

A bill to provide for the payment of costs in prosecutions which have abated by the death of defendants."

Which was read a first time and passed.

On motion of Mr. Ledbetter,

Said bill was referred to the committee on Ways and Means.

Mr. Jennings presented the following communication and report of the President of the Union Bank:

General Statement of the Union Bank of Tennessee and Branches, October 1, 1841.

UNION BANK OF TENNESSEE,
Nashville, Oct. 15, 1841.

SIR: I have the honor to transmit herewith a statement of the condition of this Bank and its Branches at the close of the quarter ending with the 30th ultimo.

Presuming at an early day the appropriate committees will make their examinations, I need scarcely add that every facility shall be afforded by the officers of the Bank for that purpose.

I have the honor to be, very respectfully,
Your obedient servant,
JOHN M. BASS, *Pres.*

The Speaker of the Senate
of the State of Tennessee, Nashville.

RESOURCES.

Domestic Bills of Exchange,	$353,279 13		
Notes Discounted,	1,576,788 20		
Bills Receivable,	174,630 95		
Protested Bills,	46,525 85	2,151,224	13
Suspended Debt,		918,214	89
Stocks,		43,000	00
Due from Banks and Agents,		119,362	49
REAL ESTATE—viz:			
Banking Houses and Lots,	71,323 56		
Received for Debt,	504,183 93	575,507	49
Suspense Account, (Robbery)		18,754	00
CASH ON HAND—viz:			
State and City Bank Notes,	34,519 00		
Distant Bank Notes,	39,481 00		
Gold and Silver,	153,654 54	227,654	54
		$4,053,714	54

LIABILITIES.

Capital Stock paid in,	$1,990,804 00		
State Stock,	646,600 00	2,637,404	00
Due to Banks,	65,543 83		
Due to Public Officers,	5,424 70	70,968	53
Bills Payable,		7,450	00
State of Tennessee,		2,698	96

Dividends unclaimed,		2,950 78
Contingent Fund,	428,728 42	
Profits since 1st January,	33,438 64——	462,167 06
Circulation,		653,430 00
Deposites and Deposite Certificates,		216,645 21
		$4,053,714 54

Which communication and report were read,

And on motion of mr. Jennings, was referred to the committee on Banks.

Ordered that fifty copies of said report be printed for the use of the Senate.

The Senate took up the consideration on its second reading,

A bill to repeal the 9th section of chapter 68 of the acts of 1833.

Which being read, was, on motion of mr. Nelson, laid on the table.

The Senate took up the consideration of

A bill to provide for and secure *femes covert* in the possession and enjoyment of property.

Which was read a second time and passed,

And on motion of mr. Laughlin, was referred to the committee on the Judiciary.

Mr. Speaker Turney returned a certificate of the census of the free white male inhabitants of the county of Dickinson, taken under the act of 24th January, 1840.

Which was ordered to be filed with the report of the Secretary of State.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives has signed an enrolled bill, entitled

An act to change the time of holding the term of tne Circuit Court of Madison county, from the 4th monday in October to the 4th monday in December, and for other purposes.

Passed 14th October, 1841.

Which enrolled bill was ordered to be transmitted to the Senate.

And then he withdrew.

On motion of mr. Nelson,

The Senate adjourned until monday morning next, at 9 o'clock.

MONDAY, October 18, 1841.

Mr. Maclin presented the report of the Farmers' and Merchants' Bank of Memphis.

Which communication and report being read,

On motion of mr. Maclin, was referred to the committee on Banks.

Mr. Laughlin returned the resolution by him withdrawn on Saturday the 16th instant, on Federal Relations, without amendment, as follows:

Whereas, the General Assembly of the ancient Commonwealth of

Virginia, on the 21st day of December, 1798, adopted many resolutions, among which are the following, that is to say:

Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain the Constitution of the United States, against every aggression, either foreign or domestic, and that they will support the Government of the United States on all measures warranted by the former.

That this Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges its powers, and that for this end it is their duty to watch over and oppose every infraction of these principles, which constitute the only basis of their Union, because a faithful observance of them can alone secure its existence and the public happiness.

That the General Assembly doth explicitly and peremptorily declare, that it views the powers of the General Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, and no further valid than they are authorised by the grants enumerated in that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by said compact, the States who are parties thereto, have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government to enlarge its powers, by forced constructions of the constitutional charter which defines them, and that indications have appeared of a design to expound certain general phrases, (which having been copied from the very limited grant of powers in the former Articles of Confederation, were the less liable to be misunderstood,) so as to destroy the meaning and effect of the particular enumeration, which necessarily explains and limits the general phrases, and so as to consolidate the States by degress into one sovereignty, the obvious tendency and inevitable results of which would be to transform the republican system of the United States into an absolute, or, at least, mixed Monarchy.

And, whereas, on the 10th and 13th days of November, 1798, certain resolutions were passed by the House of Representatives, and concurred in by the General Assembly of the State of Kentucky, one of which said resolutions is as follows, that is to say:

Resolved, That the construction applied by the General Government, (as evinced by sundry of their proceedings,) to those parts of the Constitution of the United States which delegates to Congress power to lay and collect taxes, duties, imposts and excises, to pay debts and provide for the common defence and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their powers by the Constitu-

tion; that words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor apart so to be taken as to destroy the whole residue of the instrument.

And, whereas, the General Assembly of the State of Tennessee hath witnessed, with deep regret, a series of violations of the letter and spirit of the Constitution of the United States, in many of the measures of the Federal Government, during the late extra session of Congress, similar in principle and tendency to the measures, policy and principles of interpretation by the assumption of powers not granted by the Constitution, against which the States of Virginia and Kentucky, in the year 1798, during the administration of Mr. John Adams, entered their solemn protests, by the said resolutions above quoted; and, whereas, the General Assembly of the State of Tennessee, most explicitly and cordially approves of the principles of government and important truths contained in the said resolutions, and declaring the present to be a fit and proper occasion for the expression of an authoritative opinion in regard to the same, as well as upon certain recent measures of the Federal Government—doth resolve as follows:

1. *Resolved*, That the General Assembly of the State of Tennessee, doth hereby re-affirm and solemnly declare, that it doth concur in, approve and adopt as universally true at all times, and especially applicable to the present crisis and state of affairs, the resolutions of Virginia and Kentucky as above set forth.

2. *Resolved*, That this General Assembly of the State of Tennessee protests against the act passed by Congress, at the late extra session, commonly called the Bankrupt Bill,—viewing the same as inviting and favoring voluntary and fraudulent bankruptcy,—leaving endorsers and sureties bound to pay the debts of the principal where he shall become a bankrupt, without any present or future recourse upon the person or property which said bankrupt may afterwards acquire,—exempting all property acquired subsequently, by taking an insolvent oath, from liability to prior debts, and, from its provisions, favoring large dealers and speculators; being out of the reach, except at an expense of time, travel, and money which they cannot bear, of all poor, honest debtors, who live remote from the places where the Federal Courts sit in the several States.

3. *Resolved*, That this General Assembly views with decided disapprobation the act of Congress passed at the late extra session, commonly called the Tax Bill, imposing an increased and heavy tax on numerous common necessarities of life, including Tea, Coffee, Salt, Sugar, and other articles, as it passed the House of Representatives, and in which respect was but slightly modified in the Senate, that modification extending to Tea and Coffee alone, and being carried against the vote of Henry Clay, of Kentucky, who adhered by his vote in that respect, to the bill as it passed the House, and which act contains an unjust discrimination in the duty on iron, in favor of certain corporations.

4. *Resolved*, That this General Assembly utterly condemns, without qualification, the act passed at the late extra session of Congress

called the loan Bill, creating a new National Debt, in time of peace, with all foreign nations, of twelve millions of dollars, as being without necessity, uncalled for by the public service, and contrary to the true policy of Republican Government; and the General Assembly equally condemns and enters its protest, in advance, against the policy of the measure contemplated and avowed by Henry Clay, a Senator from Kentucky, having for its effect the creation of an additional item of National Debt, of sixteen millions by loan, to be authorised by act to be passed at the next session of Congress, which if carried into effect, when added to the debt already created as above stated, will constitute a new national debt of twenty-eight millions of dollars, equal to about one-fourth of the whole debt created by the late war with England.

5. *Resolved*, That this General Assembly, impelled by an imperious sense of public duty, feels bound to protest against the act passed at the late extra session of Congress, concerning the public lands commonly called the Distribution Bill providing for the division of the proceeds of the sales of the public lands among the States in certain proportions therein specified, as being unconstitutional in its provisions, unequal in its operations, favoring some States at the expense of others, and by abstracting the sum to be distributed from the Treasury, creating a necessity for an increase of taxes through a tariff or by direct taxation, to replace in the Treasury the sum so withdrawn and distributed by means of which, it is believed the State of Tennessee will be required to repay annually a much larger sum than she will receive in distribution under said act.

6. *Resolved*, That this General Assembly decidedly disapproves of the provisions of two successive bills, passed at the late Extra Session, the one creating a Bank of the United States, and the other called the Fiscal Corporation Bill, both of which were in the judgment of this General Assembly, violatory of the Constitution, containing encroachments on the rights of the States and the people, and they view *the veto* of both said bills, successively interposed by the President of the United States as wise, constitutional and patriotic acts.

7. *Resolved*, That this General Assembly doth hereby solemnly protest against the vote of the House of Representatives, at the late Extra Session of Congress, abrogating the twenty first rule of said House, carried by the united vote of the Abolition and Federal parties in said House, by the repeal of which rule, abolition petitions and memorials, for the abolition of slavery in violation of the constitutional rights of the people of the slave holding States, will obtain admission and receive the Legislative action of Congress, in violation of lawful and constitutional rights of property, a measure destructive of the rights, and dangerous to the safety and domestic tranquility of the people of the States in which domestic slavery lawfully exists.

8. *Resolved*, That this General Assembly condemns and protests against the policy which induced the call of the late Extra Session of Congress, as creating a large, unnecessary, and extravagent expenditure of public money, the expense of Congress alone, at said Session, being the sum of three hundred and seventy-six thousand, four hun-

dred and twenty-seven dollars and sixty cents—And the total amount of appropriations made at said session, being five millions and forty-three thousand, seven hundred and five dollars and two cents, and resulting in the before recited unjust, unwise and oppressive acts of Legislation, fraught, as this General Assembly believes, with consequences dangerous to public liberty, and ruinous to the best interests of the people.

9. *Resolved*, That the Governor be, and he is hereby directed to transmit to each of the Senators and Representatives in Congress from this State, copies of the foregoing resolution.

Which was read.

On motion of mr. Ashe,

It was ordered that fifty copies of said preamble and resolutions be printed for the use of the Senate.

The Senate took up the consideration of

A bill to repeal the 9th section of chapter 68, of the acts of 1833.

Which was read a second time and passed.

The Senate took up the consideration of a bill from the House of Representatives, entitled

A bill to amend an act passed in 1825, chapter 52, for the correction of errors in grants.

Which was read a second time, and, on motion of mr. Laughlin, said bill was referred to the committee on the Judiciary.

On motion of mr. Foster,

The Senate took up the condition of the report of the Inspectors and agent of the Penitentiary.

Which report of the Agent of the Penitentiary was as follows:

[See Appendix, page 1.]

Mr. Foster moved that five hundred copies of the report of the Inspectors and Agent of the Tennessee Penitentiary be printed—

When mr. Martin moved to strike out "five hundred" and insert "one thousand"—

And the sense of the Senate being had thereon, it was determined that the words "five hundred" be stricken out and "one thousand" inserted in lieu thereof.

So said motion to strike out prevailed.

The question was then put:

Shall said reports be printed?

It was determined in the affirmative—ayes, 21—noes, 3.

The ayes and nays being demanded,

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Powell, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney.

Those who voted in the negative are:

Messrs. Ledbetter, Nelson, and Reneau.

So said motion to print one thousand copies of said report prevailed.

Mr. Frey, from the committee on Enrolled Bills, reported that the Committee had examined an enrolled resolution, "On claims of Ten-

nessee volunteers for horses and other property lost in the late Florida war," and found the same to be truly enrolled;

When the Speaker signed said resolution, which was ordered to be transmitted to the House of Representatives.

On motion of MR. Laughlin,

The Senate took up the consideration of the report of the Comptroller of the Treasury.

Mr. Laughlin further moved, that said report be printed.

Mr. Ledbetter required that the motion of the Senator from Warren be reduced to writing when presented.

When MR. Laughlin presented the following:

That ——— copies of the report of the Comptroller of the Treasury be printed for the use of the Senate.

Mr. Ledbetter submitted the following, in lieu of MR. Laughlin's motion:

Ordered by the General Assembly, that ——— thousand copies of the report of the Comptroller of the Treasury and Superintendent of Public Instruction, be printed for the use of the members of the two Houses of the General Assembly.

Mr. Martin moved to lay the amendment offered by MR. Ledbetter on the table.

Which motion was sustained—ayes 12, noes 11.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and MR. Speaker Turney—13.

Those who voted in the negative are:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, and Williams—11.

The question then recurred upon the motion of MR. Laughlin, to print said report, and the sense of the Senate being thereon had, it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse, and Williams—14.

The negative voters were:

Messrs. Ashe, Bradberry, Foster, Frey, Ledbetter, motley, Nelson, Reneau, Sevier, and MR. Speaker Turney—10.

So said motion prevailed.

Mr. Laughlin moved that the blank in the motion by him be filled with the words, "fifteen hundred."

Which was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse—14.

Those who voted in the negative are:

Messrs. Ashe, Bradberry, Frey, Ledbetter, Motley, Nelson, Reneau, Sevier, Williams, and Mr. Speaker Turney—10.

So said motion was sustained.

Whereupon, it is ordered that fifteen hundred copies of the report of the Comptroller of the Treasury be printed for the use of the Senate.

Mr. Ledbetter submitted the following:

Resolved, That a committee of three on the part of the Senate, to act with such committee as may be appointed on the part of the House, to wait upon his Excellency, James C. Jones, Governor of the State of Tennessee, and inform him that the two Houses are ready to receive any communication he may desire to make.

Which being read, the rule requiring said resolution to lie one day on the table, was suspended, and said resolution was adopted.

Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Ordered, by the Speaker, that Messrs. Ledbetter, Foster, and Martin be appointed a committee on the part of the Senate, to act with such committee as may be appointed by the House of Representatives, to wait upon his Excellency, and inform him that the two Houses of the General Assembly are ready to receive any communication he may think fit to make.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives has adopted a resolution that the Senate meet the House in their Hall, on Saturday the 23d day of October, 1841, for the purpose of electing two Senators to the Congress of the United States—one in the place of the Hon. Felix Grundry, deceased, and the other for six years from the 4th of March last—and ask the concurrence of the Senate therein.

And then he withdrew.

On motion of Mr. Hardwicke,

The Senate adjourned until 2 o'clock.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Jennings presented a communication from the Hon. Thomas Maney, one of the Judges of the Circuit Courts of Law in the State of Tennessee, touching the duties by him performed as one of the Judges of said Court.

Which, on motion of Mr. Jennings, was referred to the committee on the Judiciary.

Mr. Nelson introduced

A bill to amend the law for the collection of corporation taxes in the town of Knoxville.

Which was read a first time and passed.

The Senate, on motion of Mr. Maclin, took up the consideration of a resolution of instruction and request to our Senators and Repre-

sentatives in the Congress of the United States, on the subject of the American Tobacco interest.

Which being considered, on motion of Mr. Maclin,

Ordered, that one hundred copies of said resolution be printed for the use of the Senate.

Mr. Gardner introduced

A bill to amend the act of 1831, chapter 28, appointing a Geologist and Assayer for the State.

Which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have taken up and considered a resolution adopted by the Senate, proposing to appoint a joint committee to wait upon his Excellency, James C. Jones, Governor of the State of Tennessee, and inform him that both Houses of this General Assembly are ready to receive any communication he may think proper to make, and have concurred therein, and have appointed Messrs. Dew, Rowles, Miller, Wester, and Polk of Obion, said committee on part of the House.

And then he withdrew.

Mr. Ledbetter, from the committee appointed to wait upon his Excellency, James C. Jones, Governor of the State of Tennessee, beg leave to report, that the committee have performed the duty assigned them, and had received for answer, from his Excellency, that he would, on to-morrow at 10 o'clock, deliver his message in writing to both Houses of the General Assembly.

Mr. Foster introduced

A bill to amend the act of 1831, chapter 119.

Which was read a first time and passed.

On motion of Mr. Ross,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY 19th Oct., 1841.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker, The House of Representatives concur in the Senate's amendment to the Resolution of the House of Representatives, relating to election of an Attorney General for the first Solicitorial District.

And then he withdrew.

Mr. Warner presented a petition of thirty-six voters of Lincoln county, praying a repeal of the Tipling Law.

Which being read, was ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker, The report of the Bank of Tennessee was read in the House of Representatives, which, by order of the House, I herewith transmit to the Senate.

And then he withdrew.

Mr. Foster, from the committee on Judiciary, reported

A bill to compel the Chancellors for the Middle and Western divisions of Tennessee to interchange riding in certain cases.

Accompanying said bill is the following amendment to the 2nd section thereof:

"And the Chancellor of the Western Division shall hold as many Courts in the Middle Division as by this act is required of the Chancellor of the Middle Division to be holden in the Western Division."

And recommended its passage.

And said bill and amendment was read a second time and passed.

Mr. Foster from the Committee on the Judiciary reported

A bill to amend an act entitled, "an act to provide for the probate and registration of deeds and other instruments," passed December, 1831, chapter 90—with the following amendment.

"Sec. 6. *Be it enacted*, That the Register shall be entitled to charge twelve and a half cents as a fee for performing the additional duties required of him by the provisions of this act, on each instrument he may hereafter note."

And recommended its passage.

And, on motion of Mr. Ledbetter,

The Senate took up the consideration of said amendment, and the sense of the Senate being had thereon, said amendment was rejected.

The question then recurred on the passage of the bill,

Which being read a second time was passed.

Mr. Foster from the Committee on the Judiciary reported

A bill to repeal the third and fourth sections of the act of 1811, chapter 113.

And recommended the rejection of said bill,

Which was read a third time and rejected.

Mr. Foster from the Committee on the Judiciary reported

A bill to legalize the payment of interest on open accounts, in certain cases, and for other purposes;

And reports that he is directed by the committee to recommend the rejection of said bill.

Which being read a third time, was laid upon the table.

John S. Young, Esq., Secretary of State, communicated a message, in writing, from his Excellency James C. Jones, Governor in and over the State of Tennessee.

Which was read at the Clerk's table.

On motion of Mr. Nelson,

Ordered, That five thousand copies of said message be printed for the use of the Senate.

The Senate resumed the consideration of a bill to legalize the payment of interest on open accounts in certain cases, and for other purposes, with the report of the chairman of the committee on the Judiciary, recommending the rejection of said bill.

Which being read a third time, and the sense of the Senate being had, said bill was rejected.

On motion of Mr. Ledbetter.

The Senate took up the consideration of a resolution by him submitted, that the General Assembly appoint a joint select committee to apportion the representation in the Senate and House of Representatives for the ensuing ten years.

Which being read,

Mr. Laughlin moved that said resolution be rejected, and that the Senate take up the consideration of a resolution by him submitted on the 13th instant, to raise a committee to report of the enumeration of the free white male inhabitants of this State, and the apportionment of representation in the General Assembly, according to the second article of the Constitution of the State of Tennessee.

When, on motion of Mr. Martin,

The Senate adjourned until 3 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives is now ready to receive the Senate in their Hall, for the purpose of going into an election for Attorney General for the First Judicial Circuit.

And then he withdrew.

Whereupon, the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, for the purpose of electing an Attorney General for the First Judicial Circuit, in accordance with a joint resolution of both Houses of the General Assembly.

The said resolution being read, the Speaker of the Senate put the question:

Shall the General Assembly proceed in the election of an Attorney General for the First Judicial Circuit?

Which being determined in the affirmative,

When Mr. Williams, of Carter, nominated Thos. A. R. Nelson, and Mr. Campbell, of Washington, nominated John M. Brabson, as candidates for said office.

Whereupon, the General Assembly proceeded, *viva voce*, to elect an Attorney General for the First Judicial Circuit.

Those gentlemen of the Senate who voted for Thomas A. R. Nelson, are:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Martin, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams, and Mr. Speaker Turney, 15—and 40 gentlemen of the House of Representatives for said Nelson—making on joint vote, 55.

Those gentlemen of the Senate who voted for John M. Brabson, are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Powell, Ross, and Warner, 10—those gentlemen of the House of Representatives who voted for said Brabson were 33—making on joint vote of both Houses, 43.

Whereupon, the Speaker of the Senate declared that Thomas A. R. Nelson, Esquire, was duly and constitutionally elected Attorney Gen-

eral for the First Judicial Circuit, for six years from the 11th February next.

Whereupon, The Speaker and gentlemen of the Senate retired from the Hall of the House of Representatives, and returned to their Chamber and resumed their Session.

The Senate again took up the consideration of the resolution submitted by Mr. Ledbetter, proposing that a joint select committee be appointed to apportion the representation in the Senate and House of Representatives for the ensuing ten years—and the question being put:

Shall said resolution be adopted?

Was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

So said resolution was rejected.

On motion of Mr. Laughlin,

The Senate took up the consideration of a resolution by him submitted, proposing to raise a committee to report of the enumeration of the free white male inhabitants of this State, and the apportionment of representation in the General Assembly, according to the second article of the Constitution of the State of Tennessee.

Which being read, Mr. Laughlin moved the adoption of said resolution.

The ayes and noes being demanded by Mr. Ledbetter,

Those who voted in the affirmative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

Those who voted in the negative were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—11.

So said resolution was adopted.

Mr. Speaker Turney appointed Messrs. Ashe, Laughlin, Nelson, Johnson, Frey, Warner, and Maclin of said committee.

Mr. Gardner introduced

A bill to provide for the payment of certain public charges.

Which was read a first time and passed.

Mr. Hardwicke moved to refer said bill to the committee on the Judiciary.

Which motion he afterwards withdrew.

The Senate took up the consideration of

A bill to amend the laws for the collection of corporation taxes in the town of Knoxville.

Which was read a second time and passed.

Mr. Martin moved the Senate that said bill be referred to the com-

mittee on the Judiciary; and the sense of the Senate thereon being taken,

Said motion to refer was rejected.

The Senate took up the consideration of

A bill to repeal the 9th section of chapter 68 of the acts of 1833.

Was read a third time, and the question being put:

Shall said bill pass?

When the ayes and noes were constitutionally demanded.

Those who voted in the affirmative were:

Messrs. Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Miller, Nelson, Powell, Sevier, Williams, and Mr. Speaker Turney—13.

Those who voted in the negative were:

Messrs. Ashe, Bradberry, Johnson, Maclin, Matthews, Motley, Peyton, Reneau, Ross, Warner, and Waterhouse—11.

And so said bill was passed.

Which was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Waterhouse introduced

A bill to establish a branch of the Bank of Tennessee at Chattanooga, in the county of Hamilton.

Which was read a first time and passed,

And, on motion of Mr. Warner,

Said bill was referred to the committee on Banks.

Mr. Speaker Turney presented a memorial of the State Agricultural Society praying amongst other things, "to grant a charter incorporating the Tennessee Agricultural Society, and for other purposes."

Ordered, That said memorial be referred to the Committee on Agriculture and Manufactures.

The Senate took up the consideration of

A bill to remove the seat of government from Nashville.

Which, on motion of Mr. Laughlin, was laid on the table.

The Senate took up the consideration of

A bill to amend the act of 1831, chapter 28, appointing a Geologist and Assayer for the State.

Which, on motion of Mr. Gardner, was laid on the table.

The Senate took up the consideration of

A bill to amend the act of 1813, chapter 119.

Which was, on motion of Mr. Martin, laid on the table.

The Senate then took up the resolution from the House of Representatives proposing that the Senate meet the House of Representatives in their Hall, on Wednesday the 10th day of November next, for the purpose of electing an Entry Taker in the Ocoee District.

Which being read was concurred with.

Ordered that the Clerk acquaint the Senate therewith.

The Senate took up the consideration of a resolution adopted by the House of Representatives, proposing that the Senate meet the House of Representatives at their Hall, on Friday the 5th day of November, for the purpose of electing an Attorney General in the 8th Judicial Circuit.

Which being read, was, on motion of Mr. Warner, laid on the table.

On motion of Mr. Gardner,

The Senate took up the consideration of the Senate's resolution, directory to the Committee on Agriculture and Manufactures, and moved the adoption of said resolution.

And the yeas and nays being demanded by Mr. Warner, on its adoption,

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams, and Mr. Speaker Turney—20.

Those who voted in the negative are:

Messrs. Matthews, Ross, Warner, and Waterhouse—4.

So said motion was adopted.

The Senate took up the consideration of a resolution of the House of Representatives proposing that the Senate meet the House in their Hall, on Saturday the 23rd inst., for the purpose of electing two Senators to the Congress of the United States, one in the place of the Hon. Felix Grundy, dec'd., and the other for the space of six years from the 4th of March last.

Which was read, and on motion of Mr. Turney, was laid on the table.

[For report of the Bank of Tennessee see Appendix.]

Ordered, That said report, with the accompanying statement, be referred to the Committee on Banks.

On motion of Mr. Ashe,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, October 20, 1841.

Mr. Ledbetter, Chairman of the Joint Select Committee, on part of the Senate, to whom had been referred the report of the Secretary of State on proposals made for the printing of the Laws and Journals, and the joint job printing of both Houses of the General Assembly the present session, by the joint resolution of the Senate and House of Representatives, made his report as directed by said Joint Select Committee, in the following form:

The Joint Select Committee, to whom was referred the Report of the Secretary of State, with the accompanying proposals, for the printing of the laws and Journals of the General Assembly, made in pursuance of the act of 19th February, 1836, have had the subject under consideration, and have instructed us to report to the two Houses the several proposals that have been submitted. Some of which are for printing both the Laws and Journals, and others for printing the Journals only.

The proposals are as follows, to-wit:

William F. Bang & Co., C. C. Novell, James C. Moses, and J. M.

& J. B. Roseborough, J. G. Harris, and Cameron & Fall: for composition $1,00 per thousand ems, for press work $1,00 per token.

The bid of Bang & Co., Norvell, Moses, and Roseboroughs being a joint one.

E. G. Eastman and James Williams each for composition 75 cents per 1000 ems, for press work 75 cents per token.

P. M. Neill & Co., for composition 73 cents per thousand ems, press work 73 cents per token.

A. W. Elder, for composition 68 cents per thousand ems, for press work 68 cents per token.

Donald Cameron, for composition 62½ cents per thousand ems, for press work 62½ cents per token.

In each case for rule or figure work, 50 per cent to be added, for rule and figure work 100 per cent to be added. Binding and stitching the amount of the Binder's Bill.

The Committee recommend that *the printing of the Journals of both Houses*, be given to Donald Cameron upon the terms proposed by him, being less than the bid of any other person, upon his entering into bond and security for the faithful performance of his duty, according to law. The question whether the State will furnish the paper, or allow the printer to do it at 10 per cent upon cost, for wastage, is reserved for a future *Report.*

The Committee have still under consideration the proposals for printing the public acts, and also the proposals for the joint job printing, and which are also reserved for a future report.

All of which is respectfully submitted.

WM. LEDBETTER, Chairman
of Com. on part of the Senate.
EDWIN H. EWING, Chairman
of Com. on part of the House of Representatives.

Which being read, Mr. Johnson moved that said report and the accompanying documents therein referred to, be re-committed to said Committee, with the following instructions.

That the report from the Committee on the public printing be re-committed to the Committee with instructions to report to the two Houses, the precise bids of each printer, or company of printers showing the particular work bid for by each, as to kind and quantity, and the price for each, and also to report the lowest average price for which the laws and journals are offered to be printed.

Mr. Foster proposed the following amendment, to insert the words, "or either of them" at the end of said proposition to re-commit with instructions to said Committee.

Which amendment was adopted.

Mr. Nelson moved the following amendment to said instructions:—

"And that the committee be instructed to receive sealed proposals until to-morrow evening, 4 o'clock."

Which being read, was accepted.

Mr. Reneau moved that the whole of the proceedings be laid on the table,

And the sense of the Senate being had thereon, said motion was rejected.

The question then recurred on re-committing said report to the Joint Select Committee on printing, with the instructions offered by Mr. Johnson and amended on motion of Messrs. Foster and Nelson.

Which was decided in the affirmative—ayes, 13—nays, 12.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Those who voted in the negative are:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said report, with instructions, was recommitted to the Joint Select Committee on Printing.

Ordered, That the same be transmitted to the House of Representatives.

Mr. Reneau moved that the Senate do now take up the message from the House of Representatives, asking the concurrence of the Senate, with a resolution adopted by the House, proposing to go into an election for two Senators in the Congress of the United States from the State of Tennessee.

The ayes and noes being demanded thereon by Mr. Turney,

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, and Williams—32.

The negative voters were:

Messrs. Hardwicke, Warner, and Speaker Turney—3.

So said resolution was taken up.

The Senate then took up the consideration of a resolution from the House of Representatives, proposing that the Senate meet the House in their Hall, on Saturday the 23rd inst., for the purpose of electing two Senators in the Gongress of the United States, one in the place of the Hon. Felix Grundy, dec'd., and the other for six years from the 4th March last.

Mr. Ashe moved to strike out of said resolution "23rd" and insert in lieu thereof, "Thursday the 28th."

When Mr. Johnson moved a division of the question,

Which was rejected.

The sense of the Senate was then had upon the amendment proposed by Mr. Ashe, and said amendment was rejected.

Mr. Foster moved that the Senate do now adjourn until the usual hour.

Which motion was also rejected.

The question then recurred upon the concurrence with said resolution.

The ayes and noes deing demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

So said resolution was non-concurred with.

Ordered, that the clerk acquaint the House of Representatives therewith.

On motion of Mr. Ashe,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A messenger from the House of Representatives was admitted within the bar of the Senate, and informed the Speaker that the House was ready to receive the Senate in its Hall to go into the elections for Attorney General in the 5th and 9th Judicial Circuits, in accordance with the resolutions adopted by the Senate and concurred with by the House.

Whereupon, Mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives.

Whereupon, the resolution adopted by the Senate and concurred with by the House of Representatives, to elect an Attorney General for the 5th Judicial Circuit, being read, Mr. Speaker Turney put the question:

Shall the General Assembly, in joint convention met, proceed to the election of an Attorney General for the 9th Judicial Circuit?

Which was determined in the affirmative.

When Mr. Copeland nominated James T. Dunlap, and Mr. Mitchell nominated John W. Crockett, as candidates for said office.

Whereupon, the General Assembly, in convention assembled, proceeded, *viva voce,* to elect an Attorney General for the 9th Judicial Circuit.

Those gentlemen of the Senate who voted for John W. Crockett, were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—and gentlemen of the House of Representatives who voted for John W. Crockett, were 40—making in all 52.

Those gentlemen of the Senate who voted for James T. Dunlap, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Speaker Turney, 12—and gentlemen of the House of Representatives who voted for James T. Dunlap, were 33—making in all 45.

Mr. Waterhouse of the Senate, voting for Mr. Frazier—1.

Whereupon, the Speaker of the Senate declared that John W. Crockett, Esq., was duly and constitutionally elected Attorney General for the 9th Judicial Circuit in the State of Tennessee, for six years next ensuing.

The resolution adopted by the Senate and concurred in by the House of Representatives, to elect an Attorney General for the 5th Judicial Circuit, being read, Speaker Turney put the question:

Shall the General Assembly, in joint convention assembled, proceed to the election of an Attorney General for the 5th Judicial Circuit?

Which being determined in the affirmative,

When Mr. Hopkins nominated D. M. Currin, Mr. Long nominated Burgess H. Payne, Mr. Mitchell nominated Hugh L. Davidson, Mr. Motley nominated Alfred Williamson, and Mr. Ashe nominated Thos. Taylor, as candidates for said office.

Whereupon, the General Assembly, in convention met, proceeded, *viva voce*, to elect an Attornev General for the 5th Judicial Circuit?

Those of the Senate who voted for Mr. Currin, were:

Messrs. Hardwicke, Johnson, Laughlin, Maclin, and Matthews, 5—those of the House who voted for Mr. Currin, were 20—making in all 25.

Those of the Senate who voted for Mr. Davidson, were:

Messrs. Bradberry, Martin, Reneau, and Sevier, 4—those of the House of Representatives who voted for Mr. Davidson, were 20—making in all 24.

Those of the Senate who voted for Mr. Payne, were:

messrs. Gardner, miller, Powell, Ross, and Warner, 5—those of the House of Representatives who voted for mr. Payne, were 13—making in all 18.

Those of the Senate who voted for mr. Williamson, were:

Messrs. Motley, Peyton, and Speaker Turney, 3—those of the House who voted for mr. Williamson, 10—making in all 13.

Those of the Senate who voted for mr. Taylor, were:

Messrs: Ashe, Foster, Frey, Jennings, Ledbetter, Nelson, Waterhouse, and Williams, 8—those of the House of Representatives who voted for mr. Taylor, were 10—in all 18.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in the election?

Which being determined in the affirmative,

The Convention of both Houses of the General Assembly proceeded, a second time, *viva voce*, to elect an Attorney General for the 5th Judicial Circuit.

Those of the Senate who voted for mr. Currin were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, and Matthews, 6—also, the votes of 22 Representatives—making in all 28.

Those of the Senate who voted for mr. Davidson were:

Messrs. Bradberry, Martin, Reneau, and Sevier, 4—also, 20 votes of the House of Representatives—making in all 34.

Those of the Senate who voted for Mr. Williamson were:

Messrs. Motley, Peyton, and Mr. Speaker Turney, 3—also 10 votes of the House of Representatives, making in all 13.

Those of the Senate who voted for Mr. Payne were:

Messrs. Miller, Ross and Warner, 3—those of the House 10 votes, making in all 13 votes.

Those of the Senate who voted for Mr. Taylor were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Nelson, Waterhouse and Williams, 10—also ten votes of the House of Representatives—making in all 18.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being determined in the affirmative, the Senate and House of Representatives proceeded a *third* time *viva voce*, to elect an Attorney General for the 5th Judicial Circuit.

Those of the Senate who voted for Mr. Curren were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews and Miller, 7—also 23 votes of the House of Representatives—in all making 30 votes.

Those of the Senate who voted for Mr. Davidson were:

Messrs. Bradberry, Martin, Reneau and Sevier, 4—also 22 votes in the House of Representatives—making in all 26 votes.

Those of the Senate who voted for Mr. Payne were:

Messrs. Ross, Warner and Speaker Turney, 3—and 7 votes in the House of Representatives—in all 10.

Those of the Senate who voted for Mr. Williamson were:

Messrs. Motley and Peyton, 2—and of the House of Representatives 11—in all 13.

Those of the Senate who voted for Mr. Taylor were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Nelson, Powell, Waterhouse and Williams, 9—and of the House of Representatives 9—in all 18.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded a *fourth time, viva voce*, to elect an Attorney General for the 5th Judicial circuit, when:

Mr. Payne was withdrawn.

Those of the Senate who voted for Mr. Currin were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller and Speaker Turney, 8—and 31 votes in the House of Representatives—making in all 39 votes.

Those of the Senate who voted for Mr. Davidson were:

Messrs. Bradberry, Martin, Reneau, Ross, Sevier and Warner, 6—Mr. Davidson received in the House of Representatives 23 votes—making in all 29 votes.

Those of the Senate who voted for Mr. Williamson were:

Messrs. Motley and Payne, 2—Mr. Williamson also received in the House 8 votes—making in all 10 votes.

Those of the Senate who voted for Mr. Taylor were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Nelson, Powell, Waterhouse and Williams, 9—Mr. Taylor received in the House of Representatives 10 votes—making in all 19 votes.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded a *fifth time, vive voce*, to elect an Attorney General for the 5th Judicial circuit:

When MR. Payne was re-nominated a candidate for said office.

Those of the Senate who voted for MR. Currin were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Matthews, Maclin and Miller, 7—also 23 votes of the House of Representatives—in all 30.

Those of the Senate who voted for MR. Davidson were:

Messrs. Bradberry, Martin, Motley, Nelson, Peyton, Reneau, Ross, Sevier, Warner and Williams, 10—also 27 votes in the House of Representatives—in all 37 votes.

There were given for MR. Payne in the House of Representatives, 9 votes.

Those of the Senate who voted for MR. Taylor were:

MESSRS. Ashe, Foster, Frey, Jennings, Ledbetter, Powell, Waterhouse and Speaker Turney, 8—also 13 votes of the House of Representatives—making in all 21 votes.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared there was no election, and put the question:

Shall the Senate proceed in said election?

Which being determined in the affirmative, the convention of both Houses proceeded a *sixth time, viva voce*, to elect an Attorney General for the 5th Judicial circuit.

Those of the Senate who voted for MR. Currin were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller and Powell, 8—MR. Currin also received 27 votes of the House of Representatives—making in all 35 votes.

Those of the Senate who voted for MR. Davidson were:

Messrs. Bradberry, Martin, Motley, Nelson, Peyton, Reneau, Sevier, Williams and Speaker Turney, 9—also 23 votes of the House of Representatives.

Those of the Senate who voted for MR. Payne were:

Messrs. Ross and Warner, 2—and 9 votes of the House of Representatives—making in all 11.

Those of the Senate who voted for MR. Taylor were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter and Waterhouse, 6—also 13 votes of the House of Representatives—making in all 19 votes.

Neither of the candidates having a majority of all the votes cast in said election, the Speaker of the Senate declared there was no election, and put the question:

Shall the convention proceed in said election?

Which being determined in the affirmative, the convention of both Houses proceeded a *seventh time, viva voce,* to elect an Attorney General for the 5th Judicial circuit.

Those of the Senate who voted for mr. Currin were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller and Powell, 8—Mr. Currin also received 25 votes of the House of Representatives—making in all 33 votes.

Those of the Senate who voted for mr. Davidson were:

Messrs. Bradberry, Foster, Frey, Jennings, Martin, Motley, Nelson, Peyton, Reneau and Sevier, 10—also 27 votes of the House of Representatives—making in all 37 votes.

Those of the Senate who voted for mr. Payne were:

Messrs. Ross and Warner, 2—and of the House of Representatives 9 votes—in all 11.

Those of the Senate who voted for mr. Taylor were:

Messrs. Ashe, Ledbetter, Waterhouse, Williams and Speaker Turney, 5—also of the House of Representatives 10 votes—making in all 15 votes.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being determined in the affirmative:

When mr. Payne was withdrawn.

The convention proceeded an *eighth time, viva voce,* to elect an Attorney General for the 5th Judicial circuit.

Those of the Senate who voted for mr. Currin were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell and Speaker Turney, 9—and of the House of Representatives 30—making in all 39 votes.

Those of the Senate who voted for mr. Davidson were:

Messrs. Bradberry, Foster, Martin, Motley, Peyton, Reneau, Ross, Sevier and Warner, 9—and of the House of Representatives 22—making 41.

Those of the Senate who voted for Mr. Taylor were:

Messrs. Ashe, Frey, Jennings, Ledbetter, Nelson, Waterhouse and Williams, 7—and of the House of Representatives 10—making 17.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election.

When mr. Laughlin moved that the convention adjourn until tomorrow morning, 9 o'clock, and a second to said motion being had,

The ayes and noes being demanded,

Was determined in the negative—ayes 39, nays 58.

Those of the Senate who voted in the affirmative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Speaker Turney, 12—and the affirmative voters of the House of Representatives, were 27—in all 39.

Those of the Senate who voted in the negative were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Martin, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 13—and the negative voters of the House ot Representatives, were 45—making 58.

So said motion to adjourn was negatived.

The Speaker of the Senate then put the question:

Shall the convention proceed in said elections?

Which being determined in the affirmative, the convention of both Houses proceeded a ninth time, *viva voce*, to elect an Attorney General for the 5th Judicial Circuit.

Those of the Senate who voted for Mr. Currin, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, and Speaker Turney, 9—and of the House of Repre sentatives, 29—making 38.

Those of the Senate who voted for Mr. Davidson, were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Martin, Motley, Nelson, Peyton, Reneau, Ross, Sevier, Warner, and Williams, 14—and of the House of Representatives, 28—making 52.

Those of the Senate who voted for Mr. Taylor were:

Messrs. Ledbetter, and Waterhouse, 2—and of the House of Representatives, 5—making 7.

Hugh L. Davidson, Esquire, having received fifty-two votes, a majority of both Houses of the General Assembly in convention met, the Speaker of the Senate declared that Hugh L. Davidson was duly and constitutionally elected Attorney General in the 5th Judicial Circuit, for six years from the 11th February, 1842, and the convention rose.

The Speaker and gentlemen of the Senate then repaired to their Chamber, and resumed their Session.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker: I am directed by the House of Representatives to transmit to the Senate a petition of the securities of E. W. Dale, late Cashier of the Branch Bank of Tennessee, and of sundry citizens of Maury county, praying the Legislature to grant relief to said securities.

The petition of James C. Rawlings, a citizen of Warren county, Tennessee, relative to a land claim of Rawlings, &c.

The petition of sundry citizens of Hiwassee and Ocoee Districts, praying the passage of a law prohibiting persons not resident citizens of the mountain country, from driving in and herding stock in said mountainous country.

Which were severally read in the House—on which the action of the Senate is requested.

And then he withdrew.

On motion of Mr. Martin,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, Oct. 21, 1841.

The Senate met pursuant to adjournment.

Mr. Turney presented the petition of sundry citizens of the counties

of Jackson, Overton, Fentress, and White, praying that a new county be established, to be known by the name of Putnam, accompanied by a bill.

Which was read, and referred to the committee on New Counties and County Lines.

Mr. Turney introduced

A bill to establish the county of Putnam.

Which was read the first time and passed.

And on motion of Mr. Turney,

Was referred to the committee on New Counties and County Lines.

Mr. Martin presented the memorial of Henry Turney, John P. Johnson, L. H. Duncan, and James B. Plummer, securities of E. W. Dale, late Cashier of the Branch Bank of Tennessee, at Columbia, accompanied with the petition of sundry citizens of Maury county, praying the Legislature to grant relief to said securities.

Which being read, was, on motion of Mr. Martin, referred to the committee on Banks.

Mr. Ledbetter presented the petition of William Martin, of Smith county, Robert Boyle, Crawford Howell, Charles Clay Trabue, Joseph Hopkins Marshall, Joseph Henry Shepherd, David W. Dickinson, Burwell Garraway, Henry Maney, John J. Whitaker, W. W. Searcey, —— Norfleet, —— Reneau, Charles Watkins, Bradley Kincannon, and Siles E. Abernathy, accompanied by a bill constituting said petitioners a body politic and corporate, by the name of "The Union University of Tennessee."

Which was read the first time and passed.

And on motion of Mr. Reneau,

Leave is given him to withdraw said bill for amendment.

Mr. Waterhouse presented the following:

Resolved, That the Senate meet the House of Representatives in their Hall on Monday the 26th instant, for the purpose of electing an Entry Taker in the Ocoee District.

Which being read,

On motion of Mr. Waterhouse,

The rule was suspended, and said resolution was adopted.

Ordered that the Clerk of the Senate acquaint the House of Representatives therewith.

The Senate took up the consideration of

A bill to compel the Chancellors for the Middle and Western divisions of Tennessee to interchange riding in certain cases.

Was read a third time and said bill put on its passage.

Those who voted in the affirmative are:

Messrs. Ashe, Foster, Bradberry, Frey, Gardner, Hardwicke, Jennings, Johnson, Lauglin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, and Willliams—24.

Noes—None.

And so said bill was passed.

Ordered that said bill be engrossed and transmitted to the House of Representatives.

On motion of Mr. Gardner, the Senate took up the consideration of
A bill to provide for the payment of certain public charges.
Which was read a second time and passed.
The Senate took up the consideration of
A bill to amend the laws for the collection of the taxes in the town of Knoxville.
Which was read.
When, on motion of Mr. Hardwicke, leave was granted him to withdraw said bill for amendment.
Mr. Hardwicke returned
A bill to amend the laws for the collection of the corporation taxes in the town of Knoxville,—with the following amendment:
Sec. 2nd. Be it enacted that the provisions of the above act be extended to the corporation of the town of Charlotte.
Which being read was adopted.
Which bill, with the amendment made thereto, was referred to the committee on the Judiciary.
A message from the House of Representatives, by Mr. Mitchell, their clerk.
Mr. Speaker: The House of Representatives took up and read a petition from sundry citizens of the county of Davidson and from citizens of the county of Henry, accompanied by a bill praying Legislative encouragement for the culture and manufacture of Silk in the State of Tennessee.
Also, a communication from a committee at a large meeting of a large portion of the Whigs of Jackson county, addressed to Richard P. Brooks, representative from said county, and Samuel Turney, Senator from the counties of White, Overton, Fentress and Jackson, relating to the election of Senators in Congress from the Senate—all of which was ordered to be transmitted to the Senate.
And then he withdrew.
A message from the House of Representatives by Mr. Mitchell, their Clerk:
Mr. Speaker, The House of Representatives have adopted a resolution that the Senate meet the House in their Hall on Friday the 22nd instant, for the purpose of electing a judge in the 11th judicial circuit of the State of Tennessee, and asks the concurrence of the Senate therein.
And then he withdrew.
The Senate took up the consideration of the message from the House of Representatives, proposing that the Senate meet the House in their Hall on Friday the 22nd inst., for the purpose of electing a judge for the 11th Judicial Circuit of the State of Tennessee.
Which being read was concurred in.
Ordered that the clerk acquaint the House of Representatives therewith.
The Senate then took up the consideration of
A bill to provide for the probate and registration of deeds and other instruments, passed December, 1831, chapter 90,
On its third reading.

Mr. Foster moved to amend said bill by inserting in the third line of the first section, the words "a well bound" before the word "book."

And the sense of the Senate having been had thereon, said amendment was adopted, and said bill was read a third time.

The ayes and nays on the passage of said bill being constitutionally demanded,

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Speaker Turney—25.

Noes—None.

And so said bill was passed.

Ordered that the bill be engrossed and transmitted to the House of Representatives.

On motion of Mr. Gardner,

The Senate took up the consideration of the message from the House of Representatives, being the petition of sundry citizens of the county of Davidson and Henry, praying Legislative encouragement for the culture and manufacture of silk in the State of Tennessee, with a bill accompanying said petitions,

Which being severally read, was, on motion of Mr. Gardner, referred to the committee on Agriculture and Manufactures.

The Senate further considering said message, took up the petition of the securities of E. W. Dale and of sundry citizens of Maury county, praying that the Legislature grant relief to said securities, was read and referred to the committee on Banks.

On motion of Mr. Ross, the Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the consideration of

"A Bill to provide for the payment of certain public charges."

Which was read a second time and passed.

Mr. Gardner introduced:

"A Bill to authorize guardians in certain cases to expend more than the interest on the estates of their wards in their maintenance."

Which was read a first time and passed.

On motion of Mr. Williams,

The Senate took up the consideration of a resolution, instructing the Committee on Finance to enquire into the expediency of consolidating the offices of Treasurer and Comptroller, and of transferring a part of their duties to the Bank of Tennessee; which being read, was adopted.

Mr. Jennings presented a statement of the Planters' Bank of Tennessee and Branches, showing the State of its finances; which,

On motion of Mr. Jennings,

Was referred to the committee on Banks.

Said report is as follows:

State of the Planters' Bank of Tennessee and Branches.

NASHVILLE, October 13, 1841.

DR.

To Notes Discounted,	$1,666,372 18		
Domestic Bills,	337,949 53		
Suspended Debt,	687,438 23	$2,691,759	94
Due from Banks and Agents,		338,661	76
Bonds of the State of Tennessee,		188,500	00
Bank Stock,		5,500	00
Real Estate, including Banking houses,		361,172	00
Expenses and Attorneys' fees,		10,311	71
CASH ON HAND:			
Notes of Tennessee Banks,	113,113 00		
Notes of Alabama, and other current Bank Notes,	38,477 00		
Gold and Silver,	320,820 15	472,410	15
		$4,118,315	56

CR.

By Capital Stock,	$2,248,300	00
Circulation,	777,380	00
Due to Banks,	16,432	77
Treasurer of the United States,	500	00
Dividends unpaid,	7,685	90
Exchange, Discounts and Interest,	47,327	33
Office Balances,	28,169	03
Individual Depositors,	369,866	42
Contingent or Reserved Fund,	622,654	11
	$4,118,315	56

N. HOBSON, *Cashier.*

The Senate took up the consideration of

A bill to amend the act of 1813, chapter 119.

Which being read a third time, and the question on its passage being put,

The ayes and noes being constitutionally demanded,

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Martin, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, and Williams—21.

Those who voted in the negative are:

Messrs. Laughlin, Matthews, and Miller—4.

So said bill was passed, and ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Jennings,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, OCTOBER 22, 1841.

Mr. Warner, Chairman from the Committee on Claims, to whom had been referred the memorial of Curtis Kennedy of Fayette county, with the petition of sundry citizens of Sommerville, reports, that the committee had taken up the consideration of said memorial, and deem it just and reasonable, and have instructed him to report a bill, and recommend its passage.

Mr. Warner, chairman of the committee on claims, reported

"A bill for the relief of Curtis Kennedy."

Which was read a first time and passed.

The Senate took up the consideration of

A bill to provide for the payment of certain public charges, upon its third reading.

When on motion of Mr. Ledbetter,

Said bill was referred to the committee on the Judiciary.

Mr. Martin submitted the following:

Resolved by the Senate, That the Judiciary committee examine into and report the propriety of

A bill to fix more certain and uniform the fees in certain cases charged and received by the clerks and masters in the several chancery courts in this State.

Which was laid on the table.

On motion Mr. of Frey,

The Senate took up the consideration of the petition of two hundred and ninety citizens of Robertson county, praying for the repeal of the existing law relating to tippling houses.

Which was read and laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER, The House of Representatives is ready to receive the Senate in their Hall to elect a judge of the circuit court for the 11th Judicial Circuit in conformity to a resolution adopted by the House, and concurred in by the Senate.

And then withdrew.

Mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives. The Senate and House of Representatives in joint convention met, the Speaker of the Senate directed the resolution convening both houses of the General Assembly in convention to be read, which being done, the Speaker of the Senate put the question:

Shall the Convention proceed to the election of a judge of the 11th judicial circuit?

Which being determined in the affirmative,

Mr. Fentress nominated Wm. C. Dunlap a candidate for said office, when said convention proceeded, *viva voce*, in said election.

Those Senators who voted for William C. Dunlap were:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller,

Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Speaker Turney—25.

The votes cast for William C. Dunlap by the House of Representatives were 70—making in all 95 votes.

Whereupon, the Speaker of the Senate declared that William C. Dunlap was duly and constitutionally elected Judge of the 11th judicial circuit of the State of Tennessee for eight years next ensuing.

And, on motion of Mr. Warner,

The convention rose, and the Speaker and gentlemen of the Senate returned to their chamber and resumed their session.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up the report of the joint committee on public printing, re-committed to said committee with specific instructions, as transmitted to the House by order of the Senate, in which the House *now concurs.*

And then he withdrew.

On motion of Mr. Laughlin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the consideration of the message from the House of Representatives, non-concurring in the re-committal of the report of the chairman of the Joint Select committee on printing the journals and laws, and joint job printing of the present General Assembly, with specific instructions.

Which, on motion of Mr. Foster, was laid on the table.

Mr. Nelson introduced

A bill to regulate the number of Attorneys in State prosecutions.

Which was read a first time and passed.

Mr. Reneau submitted the following:

Resolved, That the Senate meet the House of Representatives in the Representative Hall, on the first Monday in November, 1841, for the purpose of electing two Senators; one in the room of the Honorable Felix Grundy, deceased, and the other for six years from the 4th of March last, that being the time when the term for which the Hon. Hugh L. White was elected, expired.

Which being read was laid on the table.

Mr. Foster submitted the following:

Resolved, That the Senate meet the House of Representatives in the Representative Hall, on Thursday the 28th inst., for the purpose of electing a Superintendent of Public Instruction.

Which being read,

On motion of Mr. Foster,

The rule requiring it to lie over one day being suspended, said resolution was adopted.

Ordered that the clerk acquaint the House therewith and ask their concurrence.

Mr. Jennings presented the report of the Superintendent of Public

Instruction with accompanying documents, which being read, was on motion of Mr. Laughlin refered to the committee on Education and Common Schools.

Mr. Foster submitted the following:

Resolved by the General Assembly of the State of Tennessee, That a joint Select Committee be raised of three on part of the Senate to act with such committee as may be appointed on part of the House of Representatives, to examine the accounts and books of the Superintendent of Public Instruction, and to settle with said Superintendent.

Which being read,

On motion of Mr. Foster,

The rule requiring resolutions to lie over one day was suspended, and said resolution was adopted.

The Speaker appointed Messrs. Frey, Powell, and Ledbetter, to be of said Committee.

Ordered that the Clerk acquaint the House therewith, and ask their concurrence therein.

The Senate then took up the consideration of a resolution submitted by Mr. Ledbetter, on the 11th instant, directed to the committee on Education and Common Schools, to enquire into the expediency of abolishing the office of Superintendent of Public Instruction, and transferring the duties of that office to the Bank of Tennessee, and the Comptroller of the Treasury, that the committee report by bill or otherwise.

Was read and adopted.

Mr. Ledbetter moved that the Senate take up the re-consideration of the adoption of a resolution to raise a joint Select Committee of three, on part of the Senate, to act with such number as may be appointed on part of the House of Representatives, to examine the accounts and books of the Superintendent of Public Insturction, and to settle with said Superintendent.

And the sense of the Senate being taken thereon, said resolution was rejected.

The Senate again took up the further consideration of the message from the House of Representatives non-concurring in the re-committal of the report of the Chairman of the joint select committee on printing the journals and laws, and joint job printing of both Houses of the General Assembly, at the present session, with the specific instructions accompanying said re-committal.

When Mr. Ledbetter moved that the Senate do recede from said re-committal of said report to said joint select committee,

And pending the consideration of said motion,

On motion of Mr. Reneau,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, OCTOBER 23, 1841.

GOVERNOR'S MESSAGE.

Fellow-citizens of the Senate
and of the House of Representatives:

By the provisions of the Constitution, it is made the duty of the Executive to communicate to the General Assembly, from time to time, such information touching the public interest as may be in his possession.

In discharging this duty, I avail myself of this occasion to present to your consideration such questions as seem to demand the attention and action of the representatives of a free and enlightened constituency.

In communicating with you for the first time, it is cause of mutual gratulation that we are still secured in the possession of all the rights and privileges guaranteed to us by the Government of our country, and that all the elements of prosperity continue to surround us. By the smiles of a kind and benificent Providence, and the justice and wisdom of our laws, we have risen from a small to a great and powerful nation. And although we are subject to revulsions and seasons of depression, still the energies of our people, when aroused, will ever be found sufficient to overcome these temporary reverses of fortune.

Our country has, for the last few years, been laboring under great and extraordinary embarrassments, and from the effects of which it has only partially recovered. But it is confidently believed that the industry, patience and energies of our citizens will be found fully adequate to the crisis; and we may confidently anticipate the day as not very distant, when our country shall be visited once more with prosperity.

The temporary derangements in commerce and trade are not peculiar to our Government—they will sometimes occur under the wisest and best Governments. But they are always attributable to some adequate cause; and it is the peculiar province of those who have been chosen as the guardians of the public interest, to determine where the defect is, and apply the corrective.

The causes which have induced the present embarrassment under which we labor, may be traced with the utmost accuracy and precision. It is an axiom in political economy, that when a community or people buy more than they sell, that the balance of trade will be against them, and pecuniary embarrassment and distress must follow as a consequence.—Each individual liability furnishes a constituent part of the great aggregate of that general indebtedness which has afflicted the country for the last few years. How far the action of our Government has contributed to produce this result, must be determined by a recurrence to such facts as have developed themselves for the last few years.

It is a proposition demonstrated by all experience, that the example of the administrators of government have a powerful and controlling influence on individual action; and just in proportion as a government or nation indulges a spirit of profligacy and extravagance, there will be a corresponding tendency to the same indulgence on the part of individuals.

That those individuals on whom the pressure has fallen with the most severity, are the direct agents in producing their own misfortunes, will not be doubted. There was no imperious or unavoidable necessity con-

straining any citizens to indulge in extravagance, or to create large and heavy liabilities, from which they have not been able to extricate themselves. Whilst each individual victim must be regarded as the ostensible author of his own ruin, still it must be conceded, and cannot be successfully denied, that there has been a remote and exciting cause that has exerted a powerful influence in producing this distress which everywhere pervades the country.

Most of the evils of which we complain—the stagnation in trade, the depression of commerce, the derangement in currency, a depreciation in the value of our products, and the consequent diminution in the rewards of labor—may justly be attributed, in part, to the action of the General Government.

The prosperity of the country was firm, steady and progressive, up to the spring of 1834. Shortly after that time, trade seemed to have received a new and extraordinary impetus; every species of property increased in value, money became abundant, and the country everywhere exhibited the greatest prosperity.

This season of plethora continued until the spring of '37, when the bubble burst, and the reality was unveiled in all its horror. This memorable crisis in the monetary affairs of the country was produced by the destruction of the Bank of the United States, and the attempt to regulate and control the currency and exchanges of the country by the agency of local institutions. From the day that war was declared against the Bank of the United States, and the edict went forth that the monster should be destroyed, (and hundreds of smaller ones substituted in its place,) from that day we may date the beginning of those troubles and sorrows that have filled the land with mourning and distress. The funeral knell of the United States Bank was the signal for the creation and establishment of hundreds of local and State institutions.

Having dispensed with the United States Bank as the fiscal agent of the Government, it became necessary to resort to some other mode of fiscal agency. The adoption of a number of State institutions was embraced as the substitute; and in order to allay disquietude in the public mind, and to supply the vacuum created in the circulation of the country, an edict emanating from the Executive Council, was directed to those unpledged agents of government patronage not to hoard up the public moneys of the country, but that they should be used in affording such facilities to trade as the condition of the country might require.

In obedience to this injunction, the Deposit Banks adopted a generous and almost unrestricted system of discounts and accommodations; the other State Banks taking license from the example of the pet institutions, pursued the same reckless policy. During the short period that the Banks were enabled to sustain themselves in this policy, every thing went on swimmingly, and the advocates of this experiment proclaimed to the world that it was successful. Facilities for liberal Bank accommodations were freely offered. It was only to ask and receive.

The ordinary pursuits of life were abandoned; the farm and the workshop were forsaken. Their occupants, yielding to the allurements spread out before them, were almost unconsciously drawn out into the vortex of

speculation and extravagance, under the vain and delusive hope of acquiring fortunes by an easier process.

In the midst of this pleasing delusion, the Banks sunk under the weight of their innate defects, and the victims of the destructive policy, left to struggle against the fearful destiny which but too certainly awaited them.

In surveying the past, although we find much to regret and condemn, still, there is cause of rejoicing, that we have so far recovered from the shock, as to enable us to anticipate the day as not very far distant, when we may enjoy our original prosperity.

Among the various questions that will claim, and doubtless receive your attention, the situation and condition of the Banks of our State is certainly one of the highest importance.

A sound and convertible currency is deemed essential to the prosperity of any country, and it is the duty of the representatives of the people to secure to their constituents the invaluable blessings that flow from a sound circulating medium, as far as may be in their power.

The Banks of Tennessee, yielding to the panic which everywhere pervaded the nation in the spring of 1837, suspended specie payments, and remained in that condition in common with most of the Banks in the other States, until the spring of 1839, at which time it was thought they could resume, and continue the payment of specie for all their obligations. The experiment was made, and they were able to pay specie until some time in October, 1839, a few months from their resumption, when they again suspended, alleging that the causes which had induced the first suspension were only partially removed. How far the circumstances that surrounded the country, or the causes that are alleged to have induced the suspension may be relied on to justify the violation of their engagements, is a question that each individual will be disposed to determine for himself. The first and most sacred duty of the representatives of the people is, to guard and secure their rights, and protect them from the infliction of injury or injustice.

The interest of the State requires that the Banks shall honestly perform all their promises, and faithfully meet all their engagements.

The same high moral and legal obligations that attach to an individual to comply with his contracts, rest with equal force on corporations or banks. It is therefore due to justice, to honor and morals, that our Banks shall return as speedily as practicable to a faithful discharge of all their engagements.

I therefore recommend to your consideration the necessity and propriety of adopting such a policy as will require and enable our Banks to resume the payment of specie at an early day.

It is confidently believed that the Banks of our State are in a sound and healthy condition, and with such assistance as the General Assembly may afford, I doubt not may be enabled to resume and continue the payment of specie.

A strict and careful investigation into the condition and management of the Banks may result in much good. It will afford the means of discovering and remedying such defects as may possibly exist, and if their conditions be such as it is hoped and believed they are, a legislative expose would go far to excite public confidence; without which, it is impossible

for any institution of this kind to sustain itself, or operate successfully or beneficially to the country.

It is certainly not the part of wisdom or sound policy to make war on the State institutions; for in doing this, you war by indirection on the people. The Banks are so interwoven with the interests of the people, that anything that would operate oppressively on them, would extend in its effects to the great body of the people. The Bank of Tennessee demands peculiarly the fostering and protecting care of the Legislature. It is the People's Bank—owned by them. The revenues of the State are there; the School fund is there; a fund that is sacred, and which should be guarded by the Legislature with paternal care.

Let us guard, protect and defend our institutions, and enable them, by all the means in our power, to effect the great ends for which they were chartered.

How far State institutions may be able to furnish a sound currency, is a question of doubt; that they may be enabled to furnish a sound territorial circulation is conceded, but that they have the power to furnish a national circulation that will be equal and uniform, is a power they do not possess, and an effect they never can produce.

I had confidently expected that this desideratum would have been accomplished by the creation of a National Bank by Congress at its late Extra Session; but in this the just expectations of the country have been defeated by the interposition of the Executive will.

A revision and amendment of the law creating a system of Internal Improvement demands your consideration. The encouragement of internal improvement is a duty enjoined on the Legislature by the Constitution, and one from which they cannot escape.

That a well-regulated system of internal improvements would tend greatly to develope the resources of the State; increase the energies and enterprize of her citizens, by opening new avenues to trade and commerce; diffusing a spirit of industry among the great body of the people, by affording an early transportation of their surplus products to market; and that it would add greatly to the sources of public prosperity, does not admit of a well-grounded doubt. How far the present system is calculated to effect these desirable ends, is, to say the least of it, doubtful.

I can but regard the law of 1837 as impolitic, unsafe and wholly inadequate to accomplish the objects contemplated.

I do not impugn the motives of its authors; for I doubt not the honesty of their purpose or purity of their motives. It was but an experiment, and it was impossible that any one could clearly determine how it would operate or how terminate. As soon, however, as it was brought into practical operation, its defects became most glaring. It was found to be loose and unguarded, opening the door by which fraud and injustice might be perpetrated on the State with the greatest facility.

The last General Assembly, seeing its operation, attempted to remedy its defects; and I am happy to believe much good resulted from their revision of the law, and much of the treasure of the State saved from an unprofitable investment.

It is believed that our system of internal improvement is still defective, and is, doubtless, susceptible of many valuable improvements.

And in order that its operation may be fully understood and its defects remedied, it is recommended that the Assembly will require each Company to furnish a full exposition of their operations and condition at an early day.

One of the greatest defects in this system, is to be found in the indiscriminate manner in which the appropriations have been made, in many cases embracing objects of minor importance, that can yield but little, if any profit to the State. Whilst this indiscriminate and unprofitable application of the public moneys is to be regretted, still, if the engagements of the individual stockholders have been complied with in good faith, according to the provisions of their charters or contracts, it is the duty of the State to comply with all her engagements in like good faith. On an examination of the condition of the various works that are now being constructed, it may be found that some of them will require additional assistance to secure their completion. And although I should regret to see the system extended beyond the limits prescribed by the law of 1837, still the interest of the State and sound policy (if such cases shall be found to exist) would justify such additional appropriation as may be required for their early completion. By the law of '37 it is provided, that the appropriations on behalf of the State shall not exceed four millions, to be divided in just proportions between the three great divisions of the State. The sum of one million four hundred thousand dollars to East Tennessee, one million six hundred thousand dollars to Middle Tennessee, and one million to the Western division of the State. By reference to the subscriptions made on behalf of the State, it appears that the sum of one million three hundred thousand dollars has been subscribed to works in East Tennessee; one million three hundred and sixty-seven thousand one hundred and sixty-six to Middle Tennessee; and three hundred and thirty-nine thousand five hundred to the Western District.

It is manifest that the General Assembly that passed this law, contemplated an equal division of the appropriation between the three divisions of the State, according to their population.

The last General Assembly, having witnessed the defects of the law, determined to arrest the further subscriptions on the part of the State, and directed the Governor to subscribe to no new works.

Justice requires that there shall be as equal a division of the benefits resulting from the appropriation to the three great divisions of the State as practicable. The appropriation to all the works of improvement are made in bonds drawn on the faith and credit of the State; creating a general and equal liability on each individual citizen of the State. It is, therefore, proper that the benefits should be made as general and equal as possible; and as it is impossible to confer on each individual an equal participation in the benefits resulting from this general liability, we should approximate as near to it as we can, and at least make the division equal between the three great divisions of the State. If the General Assembly shall determine that the subscription on behalf of the State shall extend to the limit fixed by the law of '37—which is four millions—it will be proper that they should select such objects as may be of general benefit, and not suffer the public funds lavished on minor or unimportant works. Among the numerous works to which the State has subscribed, the sum

of $650,000 was subscribed to the Charleston and Cincinnati Railroad Company. It is believed that this enterprize will be abandoned, and the charter forfeited. In the event of this occurrence, the State subscription will revert to the State, and then it will be the duty of the Legislature to determine what disposition shall be made of this fund. That a highly useful and profitable investment might be made of them in the eastern division of the State, will not be doubted by those at all acquainted with the peculiar condition of that portion of the State.

A portion of this sum might be profitably employed in removing the obstructions in the navigable streams. There are other portions of the country susceptible of great improvement by the construction of McAdamized roads. And it may be necessary and proper to appropriate a portion of this or some other fund to the completion of such works as are in progress of construction.

By a law passed at the last regular session of Congress, Tennessee is made the agent of the Government of the United States, and invested with the power to sell and dispose of the vacant and unappropriated lands within the limits of this State, lying south and west of the Congressional Reservation line. This is a subject of interest to the State generally, and particularly to that portion of our fellow-citizens who reside within the limits of that portion of the State embraced in the law. It is matter of mutual gratulation that this vexed question has been settled in a manner that will secure to a large and respectable portion of our citizens their homes and titles to their lands.

It is hoped that the Legislature will yield a ready assent to, and compliance with, the provisions of the law. Should this be your determination, it will be proper that you take such action on this subject as will enable you to comply with the requirements of the law. It is recommended that you adopt such policy as will afford the greatest facilities to those interested in securing their titles, as far at least as may be compatible with the public interest and a faithful compliance with the provisions of the law.

In making this, my first communication to the General Assembly, it is cause of no ordinary gratification to me to be permitted to present to your consideration, my convictions of the policy proper to be pursued in disposing of the moneys that may arise from the sale of the public lands, and which Tennessee will be entitled to receive. Congress, at its late extra session, passed a law providing for the distribution of the proceeds of the public lands among the States, according to their population.

It is not necessary that I should trespass on your attention by an argument to prove the justice or wisdom of this policy, both of which, I doubt not, will be fully demonstrated by its effects.

The question that more immediately demands your most serious consideration is, what disposition shall be made of the moneys that Tennessee will be entitled to receive under the provision of this law? By the Constitution of our State, the funds accruing to the State from this source have been set apart to specified purposes. It is provided, that should a division of the public land, or the moneys arising from the sales be made among the States, that the portion coming to this State shall be devoted

to purposes of education and internal improvement, and shall never be applied to any other purpose.

The Constitution is silent as to the mode of dividing this fund between the two objects specified, whether it shall be equal or unequal. But inasmuch as there is no specific injunction, it is reasonable to infer that they intended it to be equal.

I cannot urge too strongly on your consideration, the propriety of setting apart at least one half of the moneys that may be received from this source as a fund that may be applied to the redemption of the Internal Improvement Bonds of the State at their maturity. If this disposition be made, it would doubtless have a fine effect on the credit of our securities, and tend greatly to enhance their value.

The liabilities of our State are less than any State in the Union of her resources, and still her securities are at a ruinous discount. If a permanent provision can be made for the liquidation of these liabilities at their maturity, it would inspire capitalists with confidence in their solvency, and contribute greatly to increase them in value. If this policy should be adopted, the moneys should be deposited with the Bank of Tennessee, to be loaned and accounted for as other funds of the State. This would add greatly to the available means of this institution, and enable her to afford increased facilities to our citizens.

Virtue and intelligence being essential to the perpetuation of our free institutions, it is the duty of those that have been constituted the guardians of the public interest to cherish and protect them by all the means in their control. There is no object more worthy the attention of a patriotic and enlightened people than to extend the fostering hand of protection to virtue, and to aid in the diffusion of general intelligence among the great body of the people. Without the protecting care of government to these invaluable objects, no nation or people can long enjoy the blessings of civil and religious liberty.

The authors of our State Constitution, appreciating the great importance of education, have wisely provided in that instrument that the common school moneys belonging to the State shall be a perpetual fund, the principal of which shall never be diminished by legislative appropriation; and the interest on this fund is wisely dedicated to the support and encouragement of a system of common schools throughout the State.

Our present system is doubtless very imperfect, but notwithstanding its present defects and seeming insufficiency, it has had a salutary influence in the country. And by the continuation of a liberal and enlightened policy, it is destined at no very distant day to reflect honor on the State; shedding its benign influences on the children of ignorance and misfortune.

The necessity and importance of a careful revision of this law is demanded by the best interests of the State, and the highest considerations of patriotism and philanthropy.

The law is vague, indefinite and complicated, so much so as to render its faithful execution in many instances difficult and unattainable. The execution of this law is necessarily confided to many hands, and in order to secure its faithful administration it is important that the entire system should be revised and made as short, plain and concise as practicable.—

A portion of the moneys arising from the sale of the public lands, is by the constitution directed to be applied to education. Whether this fund shall be applied exclusively to common schools, or whether a portion of it shall be appropriated to colleges and academies is a question for your consideration.

The utility and necessity of higher institutions of learning than that contemplated by the common school system is evident. These higher institutions are justly entitled to public patronage, and should receive the fostering care of government. But remembering the insufficiency of the common school fund to afford facilities to the great number of indigent children in the country to acquire the mere rudiments of an education, and regarding this as a common fund, in the benefits of which all should participate as far as possible, I am constrained to recommend to your consideration the propriety of making it a part of the common school fund, thereby producing the greatest amount of good to the greatest number.

The General Assembly in 1829, for the better protection of society, the suppression of vice and punishment of crime, established a Penitentiary, substituting confinement and labor instead of the more severe and less humane process of capital punishments. This change in our penal code is founded in principles of humanity, and was dictated by motives worthy a christian people.

The objects sought to be accomplished by the infliction of punishment on the guilty are to protect society, to secure respect for, and enforce obedience to the laws, and as far as may be to reform the criminal.

How far this mode secures the ends contemplated by its benevolent projectors is a question of some doubt, producing some conflict of opinion in the public mind. This system has been adopted by the State at great expense, and although its effects may not have been as salutary as was anticipated by some of its warmest advocates, still it is questionable whether any other substitute would be more efficient or more acceptable to the country. It is sometimes urged that this institution should be discontinued on the alleged ground that it operates oppressively on a highly respectable portion of our fellow-citizens, by employing the convicts in the various mechanic arts. How far this complaint may be founded in justice or prejudice, I have no correct means of determining. It is certainly true that it produces competition in some branches of mechanism, and it is equally true that the institution is enabled to sell its products at low and reduced prices. It cannot be the true policy of any government to enter into a competition of labor with its citizens. Wisdom and justice require that equal protection should be afforded to all, encouraging the various branches of industry, by securing (as far as it has the ability) to them their just reward.

The propriety of giving such direction to the labor of the convicts in the Penitentiary as will least conflict with the labor and pursuits of our citizens, and at the same time secure the interest of the State, is respectfully submitted.

Among the various subjects which have from time to time engaged the attention of your predecessors, the establishment of a Lunatic Asylum is one that reflects the highest honor on our State. This establish-

ment has heretofore received the liberal patronage of the State; large sums of money have, at different times, been appropriated to this benevolent object, and although it is in partial operation, it will require an additional appropriation to complete the buildings, and make such other improvements as are deemed indispensable to enable it to answer the Important purpose for which it was erected.

It is unnecessary to adduce arguments to prove the importance of this institution, or to recommend it to the patronage of the Representatives of an enlightened and benevolent constituency.

Other States, with a liberality and public spirit worthy of admiration, have, at great expense, established similar institutions; many of which are in successful operation, reflecting imperishable honor on their projectors. Tennessee having embarked in the same benevolent cause, the cause of justice, humanity and philanthropy, will not abandon it, or withhold from it such patronage as will make it indeed an Asylum for that unfortunate class of our citizens on whom the hand of misfortune has fallen with its heaviest weight.

To advance the prosperity and happiness of our common coutry is the highest duty, as well as the most ardent desire of every patriot. It is for this purpose you have been chosen the guardians of the public interest; it is for this purpose that you are assembled on this occasion; it is to you that your constituents look for the protection of their rights and the advancement of their interest.

The means of effecting these important ends so far as legislative action can secure them, has been confided to your hands, and will doubtless demand your most deliberate consideration.

The wealth and prosperity of every community depend in a pre-eminent degree upon the amount of the production, labor or industry of its citizens. Ours is chiefly a producing State, possessing at the same time all the facilities for manufactories, and the successful prosecution of this department of labor must be regarded as the basis of our greatest prosperity.

The manufacturing interest of the State has heretofore received some countenance and encouragement, but not in a ratio corresponding with its great importance. Whilst this important branch of labor, so essential to our prosperity, has received some legislative protection, it is matter of deep regret and astonishment that the agricultural interest of the State seems to have been wholly forgotten and neglected.

It has been justly remarked, that he who contributed to the agricultural improvement of his country was a greater benefactor than the hero of a thousand battles. The Legislature that shall adopt a liberal and efficient system of encouragement to the agricultural and manufacturing interests of this State, will have effected more for the honor and permanent prosperity of the country than the establishment of a thousand Banks.

Many of our sister States, appreciating the great importance of this snbject have led the way in this enterprise, and the success which has attended their efforts has surpassed their most sanguine expectations.

We are in the habit of purchasing from abroad annually a large amount of goods, manufactured of cotton, wool and silk, all of which are procured at high and exorbitant prices. Enjoying, as we do, every

facility for the manufacture of these articles at home, it cannot be doubted that they can be produced at prices greatly below what they now cost us. It is matter of astonishment that we are not only in the habit of looking abroad for the supply of these articles of comfort and fancy, but we are dependent on our sister States for some of the merest necessaries of life, such as enter into the consumption of every family. Thousands of dollars are employed annually in the purchase of the single article of flour, which is produced by our Sister States and consumed by our citizens.

Possessing a climate and soil adapted to the successful cultivation of wheat, it is confidently believed that this drain on our resources might be remedied by disseminating the necessary information on this subject. Every dollar employed in purchasing articles from abroad for home consumption, is so much money drawn from our circulating medium, and in that proportion diminishes the wealth and prosperity of the country.

It is doubtless within the competency of our Legislature to remedy these evils to a great extent by disseminating proper information on these subjects, and affording the necessary inducements to our citizens to correct this error. In view of the great and paramount importance of this subject to the interest of the great body of our common constituents, it is submitted with all its high demands to the consideration of you, their agents and representatives.

Provision being made by the last General Assembly for taking the census of qualified voters in the State, preparatory to the re-organization of the districts, furnishing to each county its just and equal representation in our legislative council. Presuming that the provision of the law on this subject has been complied with on the part of those charged with its execution, your attention will be directed to this subject.

Each returning election in our State demonstrates the necessity of defining, by legislative enactment, whatare the qualifications necessary to entitle a citizen to vote in our elections. Different constructions of the Constitution on this subject obtain in different portions of the State, and a law declaratory on this subject would settle this difficulty, and make the rule by which the qualification of voters should be determined, equal and uniform throughout the State.

Oct. 19, 1841. JAMES C. JONES.

Mr. Speaker Turney presented

A certificate of the census of the county of Fayette, taken under an act of the General Assembly of the State of Tennessee, passed 29th January, 1840.

Which is ordered to be filed with the report of the Secretary of State and entered upon the tabular statement in said report referred to.

Mr. Jennings moved that the journal of the Senate of the 19th instant, relating to the election of Thomas A. R. Nelson to the office of Attorney General for the 1st Judicial Circuit, be corrected by inserting the following, "from the 11th February, 1842," in the declaration of the Speaker of the Senate, announcing the result of said election.

Also, the like amendment and correction of said journal relating to the election of Hugh L. Davidson to the office of Attorney General for the 5th Judicial Circuit, by inserting the following, "from 11th February, 1842," in the declaration of the Speaker of the Senate, announcing the result of said election.

Which correction and amendment is accordingly made and done.

Mr. Speaker Turney presented

The memorial of Russell and Thomas C. Marchbanks, citizens of DeKalb county, in the State of Tennessee, praying that they may be by law constituted a body corporate and politic, under the name and style of the "Caney Fork Bridge Company," with the privilege to erect Mills and to erect a Bridge across the Caney Fork, and perform other things.

Which was read, and referred to the committee on Public Roads.

The Senate then took up the consideration of

A bill to regulate the number of Attorneys in State prosecutions.

Which was read a second time, and,

On motion of mr. Nelson,

Leave is given him to withdraw said bill for amendment.

The Senate took up the consideration of

A bill for the relief of Curtis Kennedy.

Which was read a second time—when,

On motion of mr. Foster,

It was laid on the table.

Mr. Reneau moved to take up the consideration of a resolution by him submitted on yesterday, that the Senate meet the House of Representatives in their Hall on the first Monday in November, 1841, for the purpose of electing two Senators in Congress from the State of Tennessee—one in the room of the Hon. Felix Grundy, deceased, and the other for six years from the 4th of March last—

And pending the discussion thereof,

Mr. Nelson having the floor; when,

On motion of mr. Laughlin,

The Senate adjourned until to-morrow morning, 9 o'clock.

MONDAY MORNING, Oct. 25, 1841.

The Senate met pursuant to adjournment.

The Senate took up the consideration of

A bill incorporating the Union University of Tennessee.

Which was, on motion of mr. Ashe,

Ordered to lie on the table.

The Senate took up the consideration of

A bill to authorise Guardians in certain cases to expend more than the interest on the estates of their wards in their maintainance.

Which being read,

On motion of mr. Martin,

Was referred to the committee on the Judiciary.

Mr. Maclin presented

A memorial of five citizens of Memphis, appointed by the resolu-

tion of the Mayor and Aldermen of said city, addressed to his Excellency, John Tyler, President of the United States, setting forth the claims of Memphis and the advantages she possesses for the establishment of a National Armory.

Which being read,

On motion of mr. Maclin,

The address of said memorial was amended by adding thereto the names of Brevet Brigadier General W. K. Armistead, Presidend, Lieut. Colonel S. H. Long, Topographical Engineers, and Surgeon General T. Lawson, members.

On motion of mr. Maclin,

Said memorial and amendment was referred to the committee on Federal Relations.

Mr. Nelson returned

A bill to regulate the number of Attorneys in State prosecutions—by him withdrawn for amendment—with the following:

SECTION 2. *Be it enacted*, That in all prosecutions in this State, where counsel has been retained to assist the Attorney General, it shall be at the election of the Attorney General whether he will conclude the argument of the case before the jury, or whether he will assign that duty to said assistant counsel.

And said amendment being read, was accepted.

The question then recurred on the passage of said bill:

Which being read a third and last time, passed—ayes 20, noes none.

The ayes and noes being constitutionally demanded.

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Speaker Turney—20. Noes none.

So said bill was passed, and ordered to be engrossed and transmitted to the House of Representatives.

Mr. Nelson introduced

A bill to facilitate the punishment of the crime of perjury.

Which was read a first time and passed.

On motion of mr. Nelson,

Was referred to the committee on the Judicary.

On motion of mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Bradberry presented

A petition from sundry citizens of Henderson county, praying that a law be passed the better regulating the School Fund for Common Schools, to purchase and procure globes for the use of Common Schools, to grant premiums to successful students in the attainment of learning under certain rules prescribed, to reduce the fees on marriage license,

by way of inducement to more frequent marriages, and for divers other purposes.

Which was read, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have had under consideration a resolution adopted by the Senate, proposing that a joint select committee be raised, of three on the part of the Senate, to act with such number as might be appointed by the House, to examine the accounts and books of the Superintendent of Public Instruction, and to settle with said Superintendent—which was read and concurred in.

The Speaker of the House of Representatives has appointed of said committee on the part of the House, Messrs. Buchanan of Giles, Norman, Rowles, Scruggs, Senter and Greene.

Also, a petition from sundry citizens of the town of Lynchburg, in Lincoln county, praying the incorporation of said town.

Also, a petition from 714 citizens of the county of Bedford, praying a repeal of the existing law relating to tippling houses, and the former law be revived.

Also, a petition from 133 citizens of Bedford county, praying that the present law relating to tippling houses be continued in force.

Which petitions were severally read in the House of Representatives, and ordered to be transmitted to the Senate.

And then he withdrew.

Mr. Warren moved that the message from the House, transmitting the petition of 133 citizens as of Bedford county, be changed so as to show that said citizens are not of Bedford, but of Marshall county.

And the sense of the Senate being had thereon,

Said motion prevailed.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker: The House of Representatives took up and considered the resolution adopted by the Senate, proposing to meet the House in their Hall on Thursday the 28th instant, for the purpose of electing a Superintendent of Public Instruction, and have amended the same by striking out the words "Thursday 28th instant," and inserting in lieu thereof, "Tuesday 2d November next."

To which amendment the House of Representatives asks the concurrence of the Senate.

Also the following engrossed bills:

A bill to amend the act of 1811, chapter 2, in relation to penalties and forfeitures.

Read a third time and passed, Oct. 22nd, 1841.

A bill to authorise Thomas Lanier, of the county of Wayne, to open and keep in repair a Turnpike Road.

Read a third time and passed, Oct. 23, 1841.

And then he withdrew.

The Senate then took up the consideration of the the message from

House of Representatives amending a resolution adopted by the Senate, proposing to meet the House of Representatives in their Hall on Thursday the 28th instant, for the purpose of electing a Superintendent of Public Instruction, by striking out the words "Thursday the 2nd November next."

Which being read, the Senate non-concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Foster from the committee on the Judiciary, to whom was referred a resolution adopted by the House of Representatives in their Hall on Wednesday the 27th instant, for the purpose of electing an Attorney General for the fourth Judicial Circuit, reported as follows:

The Judiciary committee, to whom was referred the resolution from the House of Representatives, proposing a convention of the two Houses on the 27th inst., to elect an Attorney General for the 4th Judicial Circuit, the office of which will become vacant by the expiration of the term of the present incumbent, on the 8th of Oct. 1842, have directed me to report that the election proposed in said resolution is within the constitutional powers of this General Assembly, and interdicted by any of the provisions of that instrument; the appointing power conferred by the constitution on the General Assembly, is not a part of the Legislative power, but constitutes a distinct substantive power.

Your committee therefore recommends a concurrence with the House in its action upon said resolution, all of which is respectfully submitted.

ROBERT C. FOSTER,
Chairman.

The Senate then took up the consideration of the resolution of the House of Representatives, proposing the Senate to meet the House in their Hall on Wednesday the 27th inst., to elect an Attorney General for the 4th Judicial Circuit, with the report of the Chairman of the committee on the Judiciary.

Which being read,

Mr. Peyton moved to strike out the words "the 27th instant" and insert in lieu thereof "Tuesday 2nd November next."

And said resolution and amendment thereto was concurred in.

Ordered that the Clerk of the Senate acquaint the House of Representatives therewith.

On motion of Mr. Maclin,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY Oct. 26, 1841.

Mr. Hardwicke introduced

A bill for the relief of Wm. B. Young & Co.

Which was read a first time and passed.

The Senate took up the consideration from the House of Representatives

A bill to amend the act of 1811, chapter 2, in relation to penalties and forfeitures.

Which was read the first time and passed.

The Senate took up the consideration from the House of Representatives

A bill to authorize Thomas Lanier of the County of Wayne to open and keep in repair a Turnpike road.

Which was read the first time and passed.

On motion of Mr. Ledbetter,

The Senate took up on its second reading, the consideration of

A bill incorporating the Union University of Tennessee.

Which being read, Mr. Ledbetter moved to amend the 8th section of said bill by adding thereto "except in time of war."

Which motion prevailing, when

Mr. Warner moved to amend said bill by striking out of the 8th section, the following words, to-wit:

"And all students, and members of the Faculty that may be liable to military duty, shall be exempt from the same so long as they shall be connected with said institution except in time of war."

And the sense of the Senate being taken on said motion, to amend said section by striking out said words.

Which motion prevailed.

And said bill and amendment being read, was passed a second time.

On motion of Mr. Martin,

Said bill was referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have taken up, considered, and rescinded the joint resolutions of both Houses of the General Assembly relating to the election of Entry Taker for the Ocoee District—in which they ask the concurrence of the Senate.

And then he withdrew.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker: I am directed to transmit to the Senate

A bill to charter the Sevier county Turnpike Company.

Read a third time and passed, October 25th, 1841, in which the House asks the concurrence of the Senate.

And then he withdrew.

Mr. Nelson then moved that the Senate take up the consideration of a resolution, called up on Saturday last, proposing that the Senate meet the House of Representatives in convention in their Hall on the first Monday of November next, for the purpose of electing two Senators in the Congress of the United States from the State of Tennessee.

And after sometime spent in the discussion upon taking up the resolution, Mr. Martin having the floor, when

On motion of Mr. Laughlin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Speaker Turney presented a certificate of three free white inhabitants of the age of twenty-one years and upwards in the county of Cocke, under the act of the General Assembly of 29th day of January, 1840, which is ordered to be entered upon the tabular statement returned by the Secretary of State.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution proposing that the Senate meet the House of Representatives in their Hall on the 27th instant for the purpose of electing a Register for the Ocoee District, and ask the concurrence of the Senate therein.

And then he withdrew.

On motion of Mr. Warner,

The Senate resumed the consideration of the question on taking up the resolution submitted by Mr. Reneau proposing that the Senate meet the House of Representatives, in the Representative Hall, on the first Monday in November, 1841, for the purpose of electing two Senators in Congress, one in the room of the Hon. Felix Grundy, deceased, and the other for six years from the 4th of March last—that being the time when the term for which the Hon. Hugh L. White was elected.

And pending the discussion of the question,

On motion of Mr. Matthews,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, October 27, 1841.

The Senate took up the consideration of a message from the House of Representatives, proposing that the Senate meet the House in their Hall this day for the purpose of electing a Register for the Ocoee district.

Which being read,

Mr. Nelson moved to amend the resolution in said message mentioned, by inserting therein the words "Entry Taker."

And the sense of the Senate being taken thereon, said amendment was received and said resolution, with the amendment thereto, concurred in.

Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence in said amendment.

The Senate took up the consideration of a bill from the House of Representatives, on its second reading,

A bill to amend the act of 1811, chapter 2, in relation to penalties and forfeitures.

Which being read,

Mr. Ledbetter offered the following amendment thereto, to-wit:

Sec. 2. *Be it enacted*, That this act shall continue and be in force for two years from the passage thereof, and no longer.

And the sense of the Senate being had thereon, said amendment was received, and said bill with the amendment being read a second time and passed,

Mr. Foster, from the committee on the Judiciary, to whom has been referred the petition of Alonzo M. D. Bostick, praying to be restored by law to the rights of citizenship, submitted the following report:

The Judiciary committee, to whom was referred the petition of many citizens of Benton county, praying the passage of a law to restore Alonzo M. D. Bostick to the rights of citizenship, have had the same under consideration, and after mature deliberation thereon had, have directed me to report, that the passage of the law, as prayed for in said petition, would, in the opinion of the committee, be in violation of the 7th section, article 11th, of the Constitution of the State, and that therefore, the prayer of the petition should not be granted.

All of which is respectfully submitted.

ROBERT C. FOSTER, Jr., Chairman.

Which being read, and the sense of the Senate taken thereon, was rejected.

Mr. Foster, from the committee on the Judiciary, to whom had been referred

"A bill to amend the practice in the courts of Chancery;"

Report, that the committee have had the same under consideration, and after a careful examination of its provisions, and mature deliberation thereon had, have directed me to report; and so recommended that the third section of the said bill be stricken out; and recommended the passage of said bill—which section is in the following words, to wit:

"Sec. 3. And whereas, by the existing laws, the answer of a defendant in Chancery, denying the allegation in the bill, is evidence for the defendant of equal force with the positive swearing of one credible witness, whereby there is often a denial of right, and a great temptation held out to perjury." Therefore,

Be it enacted, That when a bill shall be filed in Chancery, other than for discovery only, the complainant may waive the necessity of the answer being made on the oath of the defendant, and in such cases, the answer may be made without oath, and shall have no other or greater force, as evidence, than the bill.

Which report, with striking out the third section in said bill, is concurred with.

Mr. Laughlin offered the following as an amendment thereto:

Sec. 4. *Be it enacted*, That it shall hereafter be lawful for the executors, administrators, or heirs, where there are no executors or administrators, and by their guardians or next friends, where such heirs may be minors, to carry on every suit or action in the courts of this State, after the death of either the plaintiff or defendant, on behalf of either the plaintiff or defendant, and no appeal, or any cause in any court shall be abated by the death of the plaintiff or defendant, but may be proceeded in, on the application of the executors, administrators or heirs of either, as is now provided for by law; and in all such cases, whether in law or chancery, such suits shall, and may be renewed

in the name of such executors, administrators or heirs, as the case may be, where any plaintiff or plaintiffs shall die, in the same way as suits at law are now renewed—on motion—and if the same shall be by the heirs of such deceased plaintiff or plaintiffs in suits at law or chancery, it shall be shown to the court by affidavit, that the party or parties so applying are the heirs of such deceased plaintiff, and in no such case shall a bill of revivor be necessary to renew a suit in chancery, where one or all the plaintiffs may have died pending such suit, or pending any appeal in such suit, but the same shall and may be done on motion to the court in which such suit or appeal may be pending.

And the sense of the Senate being thereon had, said amendment was accepted.

Said bill, with the amendment, was read a second time and passed.

Mr. Hardwicke presented the petition of William B. Young & Co., merchants of Dickson county, praying that relief be extended to them by the General Assembly, releasing them from the payment of a judgment recovered against them in the Circuit court of Dickson county, for five hundred dollars, the penalty for failing to obtain license as merchants.

Which was read and laid on the table.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the message of the Senate on amending the resolution of the House, proposing that the Senate meet the House in their Hall in convention on this day, to elect a Register for the Ocoee District, by adding thereto the words "and entry taker."

Which was read and concurred in.

Also the amendment of the Senate, to the amendment of the House to the Senate's resolution, that the Senate meet the House in its Hall on Thursday, the 28th instant; by striking out the words "Thursday, the 28th instant," and inserting in lieu thereof Tuesday, the 2d of November next.

Which was read and concurred in.

And then he withdrew.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have taken up and considered the amendment of the Senate, made to the resolution of the House, to elect an Attorney General for the 4th Judicial circuit on the 27th instant, by striking out the words "the 27th instant," and inserting in lieu thereof, Tuesday, the 2d of November next.

Which amendment was concurred in.

That the House of Representatives is now ready to receive the Senate in their Hall in convention, to elect a Register and Entry Taker for the Ocoee District, in conformity to the joint resolution of both houses of the General Assembly.

And then he withdrew.

Whereupon, mr. Speaker Turney and gentlemen of the Senate, repaired to the Hall of the House of Representatives, for the purpose of electing a Register and Entry Taker in the Ocoee District

A call of the Senate being demanded,

Those of the Senators who were present were:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—25.

A call of the House of Representatives being had in like manner, when there appeared 73 gentlemen of the House who answered:

And the resolution proposing that the Senate meet the House in their Hall on this day, for the purpose of electing an Entry Taker and Register for the Ocoee District, and concurred in by the Senate, being read,

The Speaker of the Senate put the question:

Shall the convention of both Houses of the General Assembly now proceed to elect a Register for the Ocoee District?

Which being determined in the affirmative,

When mr. Standifer nominated Jonathan C. Tipton of Bradley county, and mr. Rowles nominated Pleasant I. R. Edwards of Bradley county, as candidates for the office of Register.

Whereupon, the convention proceeded, *viva voce*, to elect a Register for the Ocoee District.

Those gentlemen of the Senate who voted for mr. Tipton, were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Matthews, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse, and Williams, 14—in like manner the votes cast by the House of Representatives for mr. Tipton, were 39—in all 53.

Those gentlemen of the Senate who voted for mr. Edwards, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Powell, Ross, Warner, and mr. Speaker Turney, 11—in like manner the votes cast by the House of Representatives for mr. Edwards, were 35—in all 46.

Whereupon, the Speaker of the Senate declared that Jonathan C. Tipton was duly and constitutionally elected Register of the Ocoee District, for four years from the 9th day of December next—the day on which the term of the present incumbent expires.

The Speaker of the Senate then put the question:

Shall the convention proceed in the election of Entry Taker of the Ocoee District?

Which being determined in the affirmative,

Whereupon, mr. Ross nominated Luke Lea of Bradley county, and mr. Hembree nominated John Mee of Bradley county, candidates for said office:

And said convention proceeded, *viva voce*, to elect an Entry Taker for the Ocoee District.

Those gentlemen of the Senate who voted for mr. Lea were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Miller, Nelson, Peyton, Reneau, Sevier, Waterhouse, and Williams, 14—in like manner the votes cast by the House of Representatives for mr. Lea, were 41—making in all 55.

Those gentlemen of the Senate who voted for mr. Mee, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross, Warner, and mr. Speaker Turney, 11—in like manner the votes cast in the House of Representatives for mr. Mee, were 34—in all 45.

Whereupon, the Speaker of the Senate declared that Luke Lea was duly and constitutionally elected Entry-Taker for the Ocoee District, for four years from the 9th day of December next—the day on which the term of the present incumbent in said office expires.

The convention then rose,

And mr. Speaker Turney and gentlemen of the Senate returned to their own Chamber and resumed their Session—when,

On motion of mr. Nelson,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives by MR. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and considered the Senate's amendment to the resolution of the House, relating to the election of Solicitor General for the 4th Judicial Circuit —which amendment proposes that said election shall take place on "Tuesday the 2d of November next," and in which amendment the House concurs.

The House of Representatives have adopted a resolution proposing that the Senate meet the House in their Hall on the 10th of November next, to elect an Attorney General in the 11th Judicial Circuit, in place of E. W. M. King, the present incumbent—in which the House asks the Senate to concur.

Also, a resolution proposing that the committee on Agriculture and Manufactures, on the part of both Houses of the General Assembly, be a joint committee—in which the House asks the concurrence of the Senate.

I am also directed to transmit to the Senate the petition of citizens of Giles county, lying West of the Congressional line and North of the 8th Surveyor's District, praying to be attached to the Surveyor's District of Maury county.

Also, the petition of citizens of Henry county, praying the repeal of the act of 1829, on the subject of public nuisances.

Also, the following engrossed bills, to wit:

A bill to appoint Commissioners to settle the business of the Board of School Commissioners of Sevier county.

Read a third time and passed, Oct. 26, 1841.

A bill giving further time for obtaining grants in the Hiwassee and Ocoee Districts.

Read a third time and passed, Oct. 26, 1841.

In which the House asks the concurrence of the Senate.

And then he withdrew.

The Senate proceeding in the consideration of the question: Shall the resolution submitted by mr. Reneau, proposing to elect two Sena

ors in the Congress of the U. States from the State of Tennessee, be now taken np,

And pending the discussion thereof,

Mr. Johnson addressing the Speaker,

Mr. Maclin moved that the Senate do adjourn.

And said motion was declared by mr. Hardwicke, in the Chair, to be in order.

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, Oct. 28, 1841.

The Senate met pursuant to adjournment.

Mr. Peyton presented the instructions of 934 citizens of Jackson county, directed to the Honorable Samuel Turney, a Senator from the counties of White, Overton, Fentress, and Jackson, requesting him to vote for two Whig Senators to the Congress of the United States from the State of Tennessee, and such individuals as shall receive the nomination and general support of the Whig party in the Legislature of which he is a member.

Which being read, was,

On motion of mr. Peyton,

Laid on the table.

Mr. Foster, from the committee on the Judiciary, to whom had been referred,

A bill to provide for and secure *femes covert* in the possession and enjoyment of property—

Submitted the following report:

The Judiciary Committee, to whom was referred "A bill to provide and secure *femes covert* in the possession and enjoyment of property," have had the same under consideration, and after mature deliberation thereon had, have directed me to report said bill with certain amendments, and recommend its passage.

Which amendments being read, were adopted.

Said bill and amendments thereto, being read a third time,

On motion of mr. Waterhouse,

Said bill, with the amendments thereto, was laid on the table.

On motion of mr. Warner,

It is ordered that 50 copies of said bill, with the amendments thereto, be printed for the use of the Senate.

Mr. Foster also reported favorably on "A bill to amend the law for the collection of corporation taxes in the town of Knoxville," and recommended its passage.

Which was read a third time.

Mr. Hardwicke moved to amend the caption of said bill by inserting therein, "and the town of Charlotte."

Which amendment was adopted.

And said bill, with the amendment therein, being read a third time, was passed.

The ayes and noes being constitutionally demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Motley, Maclin, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams, and Speaker Turney—11.

Those who voted in the negative were:

Messrs. Johnson, Martin, Matthews, Miller, Ross, and Warner—6.

And so said bill was passed on its third reading.

Was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Foster also reported that the committee have had under consideration "A bill to provide for the payment of certain public charges," and recommended an amendment thereto, and with said amendment, the passage of the bill.

And said bill, with the amendment thereto, being read a third and last time,

The question, Shall said bill, with the amendments, pass?

Was determined in the affirmative—ayes 23, noes 1.

The ayes and noes being constitutionally demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Reneau, Ross, Sevier, Waterhouse, Warner, and Willliams—23.

Mr. Speaker Turney voting in the negative—1.

And so said bill was passed on its third and last reading,

And ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Peyton,

The Senate took up the consideration of

A bill from the House of Representatives, to amend the act of 1811, chapter 2, in relation to penalties and forfeitures,"

Was read a third time.

Mr. Laughlin, moved and introduced an amendment, which was read and accepted.

On motion of Mr. Hardwicke,

Leave was granted him to withdraw said bill for amendment, which he returned without amendment.

Mr. Martin moved to amend the last section of said bill by striking out the words "two years" and inserting in lieu thereof "nine months."

Which motion prevailing, said amendment was adopted.

And said bill with the amendments thereto, was read a third time.

The question, "shall said bill as amended pass?" was determined in the affirmative—ayes, 21—noes, 3.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Miller, Nelson, Peyton, Reneau, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—21.

Those who voted in the negative are:

Messrs. Johnson, Matthews, and Motley.

And so said bill was passed on its third and last reading—and ordered

to be engrossed and transmitted to the House of Representatives.

Mr. Foster introduced

A bill to amend the act of 1794, chapter 1, and the act of 1837, chapter 131.

Which was read a first time and passed.

Mr. Jennings submitted the following:

Resolved, That a Select committee be appointed, with instructions to take into consideration, and report upon so much of the present Governor's message as relates to the unfair competition now existing between the labor of the convicts of the Penitentiary and the mechanical industry of the State.

Which being read was ordered to be laid on the table.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed by the House of Representatives to transmit to the Senate, its bill No. 18, to repeal the 9th section of chap. 68, of the acts of 1833.

Also, the Senate's bill no. 24, to amend the act of 1813, chapter 119.

Which bills were read a third and last time and passed the House of Representatives.

And he then retired.

On motion of Mr. Ross,

The Senate took up the consideration of the message from the House of Representatives proposing that the Senate meet the House in its Hall on Friday the 5th day of November next, for the purpose of electing an Attorney General in the 8th judicial circuit of the State of Tennessee.

Which being read was concurred with.

Ordered that the clerk acquaint the House therewith.

Mr. Speaker Turney presented

A certificate of the clerk of the county court of Dyer county, stating the number of free white males of the age of twenty-one years and upwards, in said county—taken under an act of the General Assembly of the State of Tennessee, passed 29th January, 1840.

Which was ordered to lie on the table.

On motion of Mr. Maclin,

The Senate renewed the consideration of the question, calling up the resolution introduced by Mr. Reneau, proposing to meet the House of Representatives in their Hall on Monday the 1st day of November next, for the purpose of electing two Senators in the Congress of the United States from the State of Tennessee.

And pending the discussion thereof,

On motion of Mr. Ross,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the amendment of the Senate to

A bill from the House, to amend the act of 1811, chapter 2, in relation to penalties and forfeitures.

In which amendments the House of Representatives concur.

And then he withdrew.

The Senate resumed the consideration of the question calling up the resolution submitted by Mr. Reneau, proposing to meet the House of Representatives in the Representative Hall, on the first Monday in November, 1841, for the purpose of electing two Senators; one in the room of the Honorable Felix Grundy, deceased, and the other for six years from the 4th of March last, that being the time when the term for which the Hon. Hugh L. White was elected, expired.

And the discussion on the motion to take up said resolution for the consideration of the Senate thereon to be had, being concluded, the question was put,

Shall the resolution be now taken up?

And was determined in the negative—ayes, 12—noes, 13.

Those who voted in the affirmative are:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Speaker Turney—13.

So said motion to take up and consider said resolution was rejected.

Mr. Speaker Turney submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives, in their Hall, on —— day of ——, to elect a Senator in the Congress of the United States, to fill the unexpired term of Felix Grundy, deceased.

Which being read was ordered to the table.

Mr. Speaker Turney submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall on——— day of ——— to elect a Senator in the Congress of the United States for six years from the fourth of March last.

Which being read, was ordered to the table.

Mr. Laughlin gave notice that he should call up the resolution on Federal relations, by him submitted on the 16th instant, on Tuesday morning, the 2d of November next.

Mr. Frey, from the Committee on Enrollments, reported, as correctly enrolled,

An act to repeal the 9th section of chapter 68 of the acts of 1833.

Mr. Frey from the same committee, also reported as correctly enrolled,

An act to amend the act of 1813, chapter 119.

The Speaker of the Senate signed said enrolled acts respectively,

and ordered said acts, to be transmitted to the House of Representatives.

On motion of Mr. Nelson,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, October 29, 1841.

On motion of Mr. Hardwicke,

The Senate took up the consideration of

A bill for the relief of Wm. B. Young & Co.

Which being read—Mr. Hardwicke asked and obtained leave to withdraw said bill for amendment.

On motion of Mr. Reneau,

The Senate took up the consideration of

A bill from the House of Representatives to charter the Sevier county Turnpike company.

Which was read a first time and passed.

On motion of Mr. Ledbetter,

Said bill was referred to the committee on Internal Improvements.

On motion of mr. Laughlin,

Ordered, That the journal of yesterday be amended, in relation to an amendment offered by him to a bill from the House of Representatives *to amend the act of* 1811, chap. 2, in relation to penalties and forfeitures, upon its third and last reading.

Which amendment was adopted, and is in the following words, to wit:

"And provided the party so liable shall first pay the amount of tax, or perform the duty for which the penalty was incurred, before he shall be released, or the money refunded."

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: I am directed to transmit to the Senate a petition from the President and Directors of the Branch Bank of Tennessee at Clarksville, praying the Legislature to authorize each Branch of said Bank, to fix the salaries of their Bank officers.

Which was read in the House of Representatives, and ordered to be transmitted to the Senate.

That the Speaker of the House of Representatives had signed the following enrolled bills:

"An act to amend the act of 1813, chap. 119;" also,

"An act to repeal the 9th section of chap. 68, of the acts of 1833."

And then he withdrew.

Ordered, by the Speaker of the Senate, that said enrolled acts be deposited in the office of the Secretary of State.

On motion of mr. Jennings,

The Senate took up the consideration of a resolution by him submitted on yesterday, relative to the competition of the labor of convicts in the Penitentiary with the mechanical industry of the State.

Which being read,

Mr. Jennings proposed the following amendment, to wit:

Said committee shall not be confined in their investigation, to the suggestions made in the message here alluded to, but shall have full power over the whole subject of this resolution.

Which amendment was accepted; and being read,

Said resolution, with the amendment, was adopted.

On motion of mr. Ledbetter,

The Senate took up the consideration of the message from the House of Representatives, non-concurring in the re-commitment of the report of the joint select committee on the printing of the laws and journals of both Houses of the General Assembly, and the joint job printing at the present session, to said committee with specific instructions; and that the Senate now recede from the re-commitment of said report to said joint select committee.

And the question being thereon had, was determined in the affirmative.

So the Senate receded in the re-commitment of said report to said committee.

The question then recurred upon the adoption of the report of the chairman of the joint select committee upon the printing the laws and journals, and the joint job printing of the present General Assembly.

When mr. Laughlin submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That E. G. Eastman be, and he is hereby appointed public printer to the General Assembly, to print the journals of both Houses, and laws and resolutions, and reports of the decisions of the Supreme court, on his entering into bond and security to do said work at the rate of 62 cents per 1000 ems, and the same per token for press work, and the binder's bills, with the addition of 100 per cent. for rule and figure work, and no advance on the price of paper beyond the paper-maker's price for the same.

Which being read, was offered and submitted in lieu of the report of the joint select committee on printing, &c., recommending that Donald Cameron be appointed to execute the printing in said report mentioned.

When mr. Turney moved to lay the report of the committee, with the resolution submitted by mr. Laughlin in lieu thereof, on the table.

Mr. Nelson renewed the motion to lay said report of the committee, with the resolution submitted by mr. Laughlin, on the table; and the sense of the Senate being had thereon, said motion was adopted.

On motion of mr. Ashe,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Speaker Turney presented a certificate of the clerk of the County court of Perry county, showing the number of free white males of the age of twenty years and upwards, taken under the act of the 29th January, 1840.

Which was laid on the table.

The Senate took up the consideration of

A bill to amend the act of 1794, chap. 1, and the act of 1837, chap. 137.

Which was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives to authorize Thomas Lanier, of the county of Wayne, to open and keep in repair a Turnpike Road.

Which was read a first time and passed.

On motion of Mr. Foster,

Said bill was laid on the table.

Mr. Reneau moved to take up the resolution by him submitted, that the Senate meet the House of Representatives in their Hall on Monday next, for the purpose of electing two Senators in the Congress of the United States from the State of Tennessee.

Mr. Reneau consented to withdraw said motion, giving precedence to the unfinished business of the morning.

The Senate took up the consideration of

A bill from the House of Representatives, to appoint commissioners to settle the business of the late board of common school commissioners of Sevier county.

Which was read a first time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, giving further time for obtaining grants in the Hiwassee and Ocoee Districts.

Which was read a first time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, to amend the Militia law of this State.

Which was read a first time and passed.

The Senate took up the consideration of

A bill to amend the practice in the Chancery Courts.

Which, with the amendments thereto, being read a third time,

The question, Shall the bill pass, was had, and determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Matthews, Reneau, Ross, Sevier, and mr. Speaker Turney—14.

Those who voted in the negative were:

Messrs. Johnson, Maclin, Miller, Motley, Nelson, Peyton, Powell, Waterhouse, Warner, and Williams—10.

And so said bill passed its third and last time.

Was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Reneau renewed his motion to take up a resolution by him submitted on the 22d instant, proposing to meet the House of Representatives in their Hall on the first Monday in November, 1841, for the purpose of electing two Senators—one in the room of the Hon. Felix Grundy, deceased, and the other for six years from the 4th of March

last, that being the time when the term for which the Hon. Hugh L. White was elected expired.

Which being read,

The question, Will the Senate take up the consideration of said resolution, was had, and determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and mr. Speaker Turney—13.

And so said motion to take up said resolution was rejected.

On motion of mr. Ross,

The Senate took up the consideration of the petition of citizens of the county of Giles, praying that part of Giles county, lying West of the Congressional reservation line and North of the 8th Surveyor's District, be attached to the Survevor's District of Maury county.

Which being read, was, on motion of mr. Ross, referred to the committee on Public Lands.

Mr. Ledbetter introduced

A bill to amend the act of 1831, chapter 52, requiring the decisions of the Supreme Court to be published.

Which was read a first time and passed.

A message from the House of Representatives, by mr. Mitchell, their clerk.

MR. SPEAKER: It is proposed by the House of Representatives that the names of all absent members belonging to the committee on Banks, at their regular sessions be reported—and asks the Senate to concur therein.

And then he withdrew.

On motion of mr. Powell,

The Senate took up the report of the joint select committee on public printing.

Which being read,

Mr. Ledbetter submitted the following resolution, in lieu of the amendment offered by mr. Laughlin in lieu of the report of the committee on public printing—which is as follows:

Resolved, That the printing of the Acts and Journals be given to Donald Cameron upon the terms proposed by him, which are as follows.

MURFREESBOROUGH, TENNESSEE, OCT. 19, 1841.

To the Joint Committee of the Legislature on Public Printing:

GENTLEMEN: The undersigned having but recently become the proprietor of the Murfreesborough Telegraph establishment, is desirous of obtaining the public printing.

Having in the hurry of the moment, when I put in my bid for the Journals of both Houses, omitted to put in a bid for the Acts for the present Legislature, I now propose to do them on the following terms,

to wit: I will print the Acts for sixty-two and a half cents per 1000 ems, and the same per token for press-work; for paper, I will charge what it costs me. The account of the binder for folding, stitching and binding, will be added.

All of which is respectfully submitted.

DONALD CAMERON.

Upon his entering into bond and security as required by law.

Mr. Laughlin moved that he have leave to withdraw the resolution by him submitted this morning.

Which motion was rejected.

Mr. Warner moved to lay the resolution of mr. Laughlin and mr. Ledbetter, respectively submitted as amendments, on the table.

The ayes and noes being demanded thereon,

Those who voted in the affirmative are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and Speaker Turney—13.

Those who voted in the negative are:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson, Peyton, Reneau, Sevier and Williams—11.

So said motion prevailed.

Mr. Laughlin submitted the following:

Resolved, That E. G. Eastman be, and he is hereby appointed public printer to this General Assembly, upon his giving bond and security according to law, for the printing of the journals of both Houses, the laws and resolutions of the session, and Humphreys' Reports of the decisions of the Supreme court, at the prices and terms bid by him, and explained by him through the sub-committee on printing, and his bid to print the laws being hereby intended to require him to print Humphreys' Reports; and when he has given bond, and the same is approved, he shall enter on the duties of his appointment, in lieu of the report of the committee; which being read,

Mr. Ledbetter submitted the following in lieu of the resolution last submitted by mr. Laughlin, which is as follows, to wit:

Resolved by the General Assembly, That Donald Cameron be, and he is hereby appointed public printer to this General Assembly, to print the journals of both Houses, and laws and resolutions, and reports of decisions of Supreme court, on his entering into bond and security, to do said work at the rate of 61½ cents per thousand ems, and the same per token for press work, and the binder's bills, with the addition of 100 per cent. for rule and figure work, and the paper-maker's price for paper; which being read, when

Mr. Johnson moved to strike out of the resolution the words "Donald Cameron;" and

The ayes and noes being demanded thereon,

Those who voted in the affirmative are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and Warner—12.

Those who voted in the negative are:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Lebetter, Nelson, Peyton, Reneau, Sevier, Williams and Speaker Turney—12.

And so said motion to strike out was rejected.

Mr. Foster moved that the Senate adjourn until to-morrow morning 9 o'clock.

Which motion was rejected.

Mr. Foster moved that the report of the joint select committee, with the accompanying documents therein referred to, with the several resolutions submitted in lieu of said report, and of each other, be laid on the table.

And the sense of the Senate being thereon had, ordered that said report, and accompanying documents, with the resolution submitted touching the same, be laid on the table.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY Oct. 30, 1841.

On the 22nd instant Mr. Jennings submitted the report of the Superintendent of Public Instruction.

[For said report see Appendix.]

Which report, on motion of Mr. Laughlin, was referred to the committee on Education and Common Schools.

Mr. Speaker Turney presented a communication from the Southern Literary Messenger, published at Richmond, Va., contained in its number for Oct., 1841, on the subject of the Navy and Naval Affairs of the United States.

Which being read,

On motion of Mr. Foster,

Was referred to the committee on Federal Relations.

The Secretary of State presented a report of the President, Directors and Company of the Louisville, Cincinnati, and Charleston Rail Road.

Which was read and transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed by the House of Representatives to transmit to the Senate

A bill to amend an act entitled an act to extend the jurisdiction of Justices of the Peace, passed November 30, 1837; and

A bill giving further time for making surveys and obtaining grants on entries heretofore made.

Which bills were read a third and last time and passed.

In which the House ask the concurrence of the Senate.

And he then retired.

The Senate took up the consideration of

A bill from the House of Representatives, to amend the Militia law of this State.

Which being read,

Mr. Bradbury asked and obtained leave to withdraw said bill for amendment.

The Senate took up the consideration of

A bill from the House of Representatives, to appoint commissioners to settle the business of the late board of common school commissioners of Sevier county.

Which was read a second time and passed.

A bill from the House of Representatives, giving further time for obtaining grants in the Hiwassee and Ocoee Districts,

Was read a second time and passed.

A bill from the House of Representatives giving further time for making surveys and obtaining grants heretofore made,

Was read a first time and passed.

A bill from the House of Representatives to amend an act entitled an act to extend the jurisdiction of Justices of the Peace—passed November 30, 1837,

Was read a first time and passed.

The Senate took up the consideration of

A bill to amend the act of 1831, chapter 52, requiring the decisions of the Supreme Court to be published.

Which was read a second time and passed.

On motion of Mr. Frey,

The Senate took up the consideration of the memorial of the President and Directors of the Branch Bank of Tennessee at Clarksville.

Which being read,

On motion of Mr. Frey,

Was referred to the Committee on Banks.

Mr. Matthews introduced

A bill to amend the militia laws of this State.

Which was read a first time and passed, and

On motion of Mr. Matthews,

Said bill was referred to the Committee on Military Affairs.

His Excellency, James C. Jones, Governor of the State of Tennessee, transmitted to the Senate by John S. Young, Secretary of State, the following message:

Gentlemen of the Senate
and House of Representatives:

I have received a copy of the proceedings of the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company—and an act of the Legislature of South Carolina, authorising said company to reduce their stock, and for other purposes; which I herewith transmit for your consideration.

JAMES C. JONES.

Executive Office, Oct. 29, 1841.

Which being read was transmitted to the House of Representatives.

Mr. Laughlin submitted the following:

Resolved, That the President and Directors of the Bank of Tennessee be required to communicate to the Senate whether since the last session of the General Assembly they have found it necessary for the proper transaction of the business of the Bank to employ any additional Clerk to the number provided for by law; and whether the business and interest of said institution, due regard being had to econo-

my, at this time in the opinion of the President and Directors of said Bank requires the employment of any one or more clerks in addition to the number now provided by law.

Which being read, was, on motion of Mr. Laughlin, laid on the table.

The Senate took up the consideration of a message from the House of Representatives, proposing that the Senate meet the House in their Hall on the 10th day of November next, for the purpose of electing an Attorney General in the 11th judicial circuit of the State of Tennessee.

Which being read, on motion of Mr. Maclin, was laid on the table.

On motion of Mr. Foster,

The Senate took up the consideration of the message, proposing that the Chairman of the Bank Committee report to the two Houses of this General Assembly the names of all absent members of said committee at their regular meetings, and that the names of said absentees be reported and entered upon the journal of that branch of the Legislature, to which he may belong.

Which was read and the Senate non-concur therein.

Ordered, That the Clerk acquaint the House of Representatives therewith.

The Senate took up the consideration of

A bill to amend the act of 1794, chap. 1, and the act of 1837, chap. 131.

Being read a third time, the question

Shall the bill pass?

Was had and determined in the affirmative—ayes, 18—noes, 4.

The ayes and noes being demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Matthews, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, and Speaker Turney—18.

Those who voted in the negative were:

Messrs. Johnson, Maclin, Martin, and Miller—4.

And so said bill passed on its third and last reading,

Was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Johnson moved to take up the report of the joint select committee on the printing of the journals and laws of this General Assembly and the joint job printing of both Houses, with several amendments proposed thereto.

When mr. Foster moved that the Senate adjourn until Monday morning next.

And said motion having precedence,

The Senate adjourned until Monday morning next, at 9 o'clock.

MONDAY, Nov. 1, 1841.

A message from the House of Representatives by mr. Mitchell, their clerk:

Mr. Speaker: I am directed to transmit to the Senate a report of the Secretary of State, with accompanying documents, in relation to the Pelham and Jasper Turnpike Company.

The House of Representatives have adopted a resolution that the Senate meet the House in their Hall on Wednesday the 2d instant, for the purpose of electing an Attorney General for the 10th Judicial Circuit.

In which they ask the concurrence of the Senate.

And then he withdrew.

Mr. Miller presented the petition of Jacob Weaver, praying the Legislature to pass a law directory to the Entry Taker of the Ocoee District, to refund to him certain moneys paid by him, through mistake, to the said Entry Taker.

The petition of John Weaver, praying the Legislature to pass a law directory to the Entry Taker of the Ocoee District, to refund to him certain moneys paid by him to the Entry Taker of said District, through mistake.

The petition of citizens of the Hiwassee District, praying the General Assembly to memorialize the Congress of the United States to extend to the State of Tennessee the right to pass a law to sell the School Land in said District, for the use of the respective townships in which said land lies.

The petition of Mark Littleton, praying the Legislature to pass a law directing the Entry Taker of the Ocoee District, to refund to him certain moneys paid by him to the Entry Taker of said District through mistake.

On motion of mr. Miller,

Said petitions are severally laid on the table.

Mr. Laughlin presented the memorial of 55 ministers of the Tennessee Conference of the Methodist Episcopal Church, praying the Legislature that the tippling act might not be repealed.

Which being read,

On motion of mr. Laughlin,

Was ordered to be transmitted to the House of Representatives.

Mr. Laughlin submitted the following:

Resolved, That the Senate will meet the House of Representatives in the Representative Hall, for the purpose of electing a Superintendent of Public Instruction, on Friday the 5th instant, at 11 o'clock, A. M

Which being read,

On motion of mr. Laughlin,

The resolution requiring said resolution to lie over one day, being suspended, said resolution was adopted.

Ordered, that the clerk acquaint the House of Representatives therewith.

Mr. Ledbetter presented a petition of sundry citizens of the counties of Cannon and Rutherford, to alter the lines between the counties

of Cannon and Rutherford, and attach a small part of Rutherford to Cannon county.

Which being read,

Mr. Ledbetter introduced,

A bill to alter the dividing line between Rutherford and Cannon counties.

Which was read a first time and passed.

On motion of mr. Ashe,

The Senate took up the consideration of a message from the House of Representatives, proposing to postpone the election of Attorney General for the 10th Judicial Circuit, from the 1st to the 2d day of November, 1841.

Which being read, was concurred in.

Ordered, that the clerk acquaint the House of Representatives therewith.

On motion of mr. Waterhouse,

The Senate took up the consideration of the message from the House of Representatives, proposing that the Senate meet the House at their Hall on Wednesday the 3d day of November, 1841, for the purpose of electing an Attorney General for the 6th Judicial Circuit.

Which being read—was,

On motion of mr. Jennings,

Laid on the table.

Mr. Gardner introduced

A bill to execute the provisions of an act of Congress, entitled "an act to amend the act entitled an act to authorise the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," approved February 18, 1841, chap. 6.

Which was read a first time and passed.

On motion of mr. Foster,

Said bill was referred to the committee on Public Lands.

The Senate took up the consideration of

A bill from the House of Representatives, to appoint Commissioners to settle the business of the Board of Common School Commissioners of Sevier county—on its third reading.

Mr. Reneau offered the following amendment to said bill:

SEC. 5. *Be it enacted*, That upon the presentation of an order signed by the County Trustee of Sevier county, or any member of the Board of Trustees of the Nancy Academy, in Sevier county, to the Comptroller of the Treasury, he shall issue his warrant to the Treasurer of the State for such sum as may be found due said Academy.

SEC. 6. *Be it enacted*, That upon the receipt of the money contemplated by the foregoing section, by the Trustee of the county, or by either of the members of the Board of Trustees of said Academy, it shall be the duty of the person so receiving the same to pay said money over, on demand, to the order of the Board of Trustees, any law to the contrary notwithstanding.

Which amendment being read, was adopted.

So said bill with amendment was read a third and last time,

And the question, "shall the bill pass?" was had and determined in the affirmative.

And so said bill passed on its third and last reading.

Was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives, by mr. Mitchell, their clerk.

Mr. Speaker: A petition from citizens of Henry county, praying relief for persons building Mills, and a petition of citizens of Hickman county, praying that Moses Moore be permitted to sell spirituous liquors without a license, in less quantities than a quart—were severally read in the House of Representatives, and ordered to be transmitted to the Senate.

No. 16, an engrossed bill to change the time of holding the Chancery Courts in Lewisburg, Marshall county.

No. 66. An engrossed bill to incorporate a literary institution in the town of Maryville, Blount county, to be styled the "Maryville College."

Which bills have been severally read a third time and passed; in which the House asks the concurrence of the Senate.

And then he withdrew.

The Senate took up the consideration of

A bill to provide for and secure *femes covert* in the possession and enjoyment of property—

On its third and last reading.

Mr. Foster offered the following amendment:

Sec. 7. *Be it enacted*, That so much of the second and third sections of this act as secures to the wife her share of the personal property in case of insolvency of the husband's estate, shall operate only to the exclusion of the creditors of the husband, becoming such after the passage of this act.

Which amendment being read, was adopted.

And said bill, with the amendments thereto, being read a third and last time, the question, Shall the bill pass? was had thereon, and determined in the affirmative—yeas 18, nays 3.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, Warner and Speaker Turney—18.

Those who voted in the negative are:

Messrs. Johnson, Matthews and Miller—3.

And so said bill passed its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Gardner,

The Senate took up the consideration of a message from the House of Representatives, proposing that the Senate meet the House of Representatives in their Hall on Wednesday the 2d instant, to elect an Attorney General for the 10th Judicial circuit of the State of Tennessee.

Which being read, was concurred in.

Ordered, that the Clerk acquaint the House therewith.

On motion of mr. Matthews,

The Senate took up on its second reading,

A bill to authorize Thomas Lanier of the County of Wayne to open and keep in repair a Turnpike road.

Mr. Matthews offered the following amendment:

Sec. 10. *Be it enacted*, That the commissioners of said Turnpike road, shall have the same measured and plainly mile-marked, beginning at the Hardin county line, and running to the Alabama State line, and shall keep the same in good repair as required by their charter, and in case they shall fail to do so, they shall be subject to indictment and presentment as overseers of public roads are indictable and punishable in like cases.

Which being read,

Mr. Turney moved to strike out of said amendment, the word "commissioner," and insert in lieu thereof the word "proprietor."

Which motion prevailing,

Mr. Laughlin moved to strike out the words "thirty years," and insert in lieu thereof "twenty years."

Which motion prevailed.

Mr. Martin moved to amend the bill by striking out the words "twenty-five dollars."

Which being considered, was rejected.

And said bill, as amended, was read a second time and passed.

The Senate took up, on its second reading,

A bill from the House of Representatives, giving further time for making surveys and obtaining grants on entries heretofore made.

Which, on motion of mr. Laughlin, was laid on the table.

The Senate took up the consideration of

A bill from the House of Representatives to amend an act entitled "an act to extend the jurisdiction of justices of the peace," passed Nov. 30, 1837.

Which was read a second time.

Mr. Foster moved the indefinite postponement.

Mr. Warner moved to amend said bill by adding the following:

Provided, That no endorser shall be made liable in the manner provided for in this act, unless he has made a special endorsement, waiving demand and notice.

Which amendment was rejected.

The question then recurred on the indefinite postponement of said bill.

The ayes and noes being demanded by mr. Johnson,

Those who voted in the affirmative were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Maclin, Martin, Nelson, Reneau, Ross and Sevier—11.

Those who voted in the negative are:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Matthews, Miller, Powell, Waterhouse, Warner, Williams and Speaker Turney—12.

And so the motion to postpone said bill indefinitely was rejected.

The question then recurred upon the passage of the bill.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Matthews, Miller, Powell, Waterhouse, Warner, Williams and Speaker Turney—12.

Those who voted in the negative are:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Maclin, Martin, Nelson, Reneau, Ross and Sevier—11.

And so said bill passed a second time.

Mr. Foster presented a communication from messrs. James Williams, E. G. Eastman and Donald Cameron, withdrawing the proposals by them severally submitted, and referred to the joint select committee of both Houses of this General Assembly on the subject of printing the laws and journals, and joint job printing.

Which was read and laid on the table.

Mr. Johnson presented proposals signed by Jas. Williams, E. G. Eastman, A. M. Roseborough and Donald Cameron, to print the Journals and Acts of this General Assembly, and Humphreys', Reports, at the following rates, to wit:

For composition of plain work, 95 cents per 1000 ems; for rule or figure work, 50 per cent. will be added; for rule and figure work, 100 per cent. will be added; for press-work, 95 cents per token; for paper, the papermaker's price will be charged, with an addition of 10 per cent. for wastage. The binder's bill also to be added.

For the faithful performance of the work according to law, the undersigned will enter into bond with approved security.

JAMES WILLIAMS,
E. G. EASTMAN,
A. M. ROSEBOROUGH,
DONALD CAMERON.

Which being read, was laid on the table.

Mr. Johnson submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That A. M. Roseborough, Donald Cameron, James Williams and E. G. Eastman be, and they are hereby employed to execute the printing of the Acts and Journals of this Legislature, and Humphreys' Reports, at the following rates, to wit:

For composition of plain work at 95 cents per 1000 ems, with an addition of fifty per cent. for rule or figure work, or 100 for rule and figure work; for press-work 90 cents per token; for paper, the papermaker's price, with the addition of 10 per cent. for wastage—the binder's bill for stitching, &c., to be added. And that the said Roseborough, Cameron, Williams and Eastman, shall enter upon the execution of the foregoing public printing, so soon as they enter into bonds for its faithful performance according to law.

Which being read, was laid on the table.

Mr. Gardner submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be, and he is directed to adjudicate a land war-

rant, No. 1239, purporting to have been issued by William Hill, Secretary of State of North Carolina, dated 27th October, 1835, for the benefit of the heirs of Jeremiah Bullock, for nine hundred and fourteen acres of land, and certify the same, if found on adjudication to be a *bona fide* warrant: *Provided*, before the Secretary shall adjudicate said warrant, it shall be established by satisfactory testimony, that the heirs of the said Jeremiah Bullock, or the assignee or assignees of the said Jeremiah Bullock, have not already received land for the consideration for which said warrant issued—that said warrant was issued by said William Hill, and that the interest of said warrant was, and is, at the time of adjudication, in the heirs of the said Jeremiah Bullock.

Which being read, was laid on the table.

The Senate took up the consideration of

A bill on its third and last reading, from the House of Representatives, giving further time for obtaining grants in the Hiwassee and Ocoee districts.

Which was read a third and last time.

The question, Shall the bill pass? was had thereon, and determined in the affirmative.

And so said bill was passed a third and last time, and ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Jennings,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the consideration of

A bill from the House of Representatives, to incorporate a literary institution in the town of Maryville, Blount county, to be styled the Maryville College.

Which was read a first time.

Mr. Johnson offered the following amendment:

Be it further enacted, That nothing in this act shall be so construed as to prevent any subsequent Legislature from altering, amending, modifying or repealing this act at any time, when in the opinion of the Legislature, the public good may require it.

Mr. Johnson demanded the ayes and noes upon the adoption of the amendment by him to said bill proposed.

Mr. Ledbetter objected to said amendment proposed by mr. Johnson, alleging that it was out of order, and contrary to the rules of the government of the Senate, and called upon the Speaker to decide.

The Speaker decided that the amendment at this time was proper, and within the rules adopted for the government of the Senate.

From which decision of the Speaker, mr. Ledbetter appealed to the Senate.

And the sense of the Senate being had thereon, sustained the decision of the Speaker.

The question then recurred on the amendment proposed by mr. Johnson.

The ayes and noes being demanded,

Those who voted in the affirmative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

Those who voted in the negative were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Nelson, Peyton, Reneau, Sevier, Williams, and Speaker Turney—12.

And before the vote of the Senate on said amendment was announced by the Speaker,

On motion of mr. Reneau,

Said bill, with the proposed amendment, was laid on the table.

On motion of mr. Peyton,

The Senate took up the consideration of a message from the House of Representatives, proposing that the Senate meet the House of Representatives in their Hall on the 10th instant, to elect an Attorney General for the 11th Judicial Circuit of the State of Tennessee.

Which being read, the Senate concur therein.

Ordered that the Clerk of the Senate acquaint the House of Representatives therewith.

Mr. Matthews introduced

A bill more effectually to provide for the poor.

Which was read a first time and passed.

The Senate took up the consideration of a message from the House of Representatives, proposing that the Senate meet the House in their Hall on the 3d day of November, 1841, for the purpose of electing an Attorney General for the 6th Judicial Circuit.

Which being read,

On motion of mr. Jennings,

Was laid on the table.

Mr. Laughlin submitted the following:

Resolved, That the Senate will meet the House of Representatives in the Representative Hall on Friday the 5th instant, at 11 o'clock, A. M., for the purpose of electing a Superintendent of Public Instruction.

Which being read,

On motion of mr. Laughlin,

The rule being suspended, said resolution was adopted.

Ordered, that the clerk acquaint the House of Representatives therewith.

On motion of mr. Turney,

The Judiciary Committee was discharged from the further consideration of

A bill to establish a Chancery Court at Sparta in White county.

The Senate took up the consideration of

A bill to establish a Chancery Court at Sparta, in the county of White, upon its third and last reading.

Which being read a third and last time,

The question, "shall the bill pass?" was had thereon, and determined in the affirmative—ayes 23, noes none.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings,

Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, Williams and Speaker Turney—23.—Nays, none.

And so said bill passed upon its third and last reading.

Was ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Turney, mr. Foster in the Chair,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, Nov. 2, 1841.

Mr. Foster, from the Committee on the Judiciary, to whom was referred

A bill to amend an act passed in 1825, chap. 52, for the correction of errors in grants,

Report that they have had the same under consideration, and had instructed him to recommend its passage.

Mr. Foster, from the same, to whom had been referred

A Bill to authorize guardians in certain cases to expend more than the interest on the estates of their wards in their maintenance,

Report that said committee had instructed him to return said bill without amendment.

Mr. Foster moved to lay said bill on the table—which was adopted.

Mr. Martin, from the committee on Education and Common Schools, to whom had been referred a resolution directory to said committee to inquire into the expediency of abolishing the office of Superintendent of Public Instruction, and transferring the duties of that office to the Bank of Tennessee and the Comptroller of the Treasury,

Reports that they have had the same under consideration and have directed him to report that, at the present time, it would be inexpedient and detrimental to the interests of the State, to abolish said office.

Mr. Martin, from the same, to whom had been referred the petition of sundry citizens of Rhea and Meigs counties, praying the Legislature to pass a law to have but one Commissioner elected in each township in said counties for the term of four years, and for other purposes, and have directed him to report that the prayer of the petitioners is unreasonable, and should be rejected.

Mr. Martin, from the same, to whom had been referred the report of the Superintendent of Public Instruction, and have directed him to report that the Senate order the printing of 1500 copies for the use of the Senate.

Mr. Martin, from the same, reports that the committee have had under consideration

A bill to consolidate the funds and to provide for but one instead of two separate classes of Common Schools in the Hiwassee and Ocoee Districts, in the State of Tennessee,

And have directed me to report that said bill should pass with an amendment thereto.

All of which is respectfully submitted.

BARKLEY MARTIN, Chairman
Committee on Education and Common Schools.

Ordered, that 1500 copies of the report of the Superintendent of Public Instruction be printed for the use of the Senate as recommended by the Committee on Education and Common Schools, to whom said report had been referred.

The Senate took up the consideration of a bill from the House of Representatives to amend an act passed in 1825, chapter 52, for the correction of errors in grants.

Which was read a third and last time.

The question, "shall the bill pass?" was had, and determined in the affirmative—yeas 21, nays none.

The ayes and noes being demanded,

Those who voted in the affirmative are:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Williams, and Speaker Turney—21.—Noes, none.

So said bill was passed a third and last time,

And ordered to be transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to consolidate the funds and to provide for but one instead of two separate classes of Common Schools in the Hiwassee and Ocoee District, in the State of Tennessee.

Which being read a second time,

Mr. Laughlin asked and obtained leave to withdraw said bill for amendment.

On motion of Mr. Peyton,

The Senate took up the consideration of a message from the House of Representatives, proposing that the Senate meet the House of Representatives in the Representative Hall on Wednesday the 3rd instant for the purpose of electing an Attorney General for the sixth judicial Circuit of the State.

Which being read,

Mr. Peyton moved to amend said resolution by striking out the word "third" and insert in lieu thereof, the words "twenty-fourth."

Which being considered said amendment was rejected.

The question then recurred upon the concurrence of the resolution adopted by the House of Representatives, which being had the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Laughlin returned

A bill to consolidate the funds and to provide for but one instead of two separate classes of Common Schools in the Hiwassee and Ocoee Districts in the State of Tennessee—

By him withdrawn for amendment; with the following amendments, by striking out the following, being part of the 14th section of said bill to-wit:

"If judgment be recovered in such suit against said Commissioners a fee of ten dollars, shall be taxed to the Attorney General in the bill

of costs, but if the Chairman be cast in said suit, there shall be no judgment for costs."

Mr. Laughlin also further amended said bill by striking out part of the 16th section as follows, to-wit:

"The Attorney General of any District, in which school lands are situate, without security for the costs, and the Attorney General shall attend such suit in behalf of the plaintiff, if the plaintiff recover in said suit, a fee of twenty dollars shall be allowed the Attorney General in the bill of costs, but if the plaintiff be cast, there shall be no judgment for costs."

Mr. Laughlin further amended said bill by striking out of said 16th section the amendment reported by the committee on Education and Common Schools, to whom said bills had been referred, as follows:

"Provided that no fee shall be taxed to the Attorney General unless the same shall be adjudged and deemed proper by the Court; and in all such cases the Court shall determine whether the plaintiff or defendant shall pay said fee."

Mr. Laughlin further amended the 16th section of said act by adding thereto the following:

"The School Commissioners appointed under the authority of this act and shall be prosecuted at their instance under the same rules of other actions of ejectment."

Which amendments were adopted.

And said bill as amended was read a second time and passed.

On motion of Mr. Powell,

The Senate took up the consideration of a resolution that A. M. Roseborough, Donald Cameron, James Williams and E. G. Eastman be employed to execute the laws and journals of the present General Assembly and Humphrey's Reports of the decisions of the Supreme Court, upon the terms therein set forth and proposed.

Which being read was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

On motion of Mr. Laughlin,

The Senate took up the consideration of a resolution directory to the President and directors of the Bank of Tennessee and that they communicate to the Senate whether since the last session of the General Assembly they have found it necessary to employ any additional clerks in the transaction of the business of said bank to those appointed by law, and if in the opinion of said President and Directors the business and interest of said bank requires one or more additional clerks.

Which being read, was adopted.

Ordered, That the Clerk acquaint the President and Directors of said Bank with the adoption of this resolution, and direct their attention thereto, &c.

The Senate took up the consideration of

A bill to alter the dividing lines between Rutherford and Cannon counties.

Mr. Laughlin offered the following amendment thereto:

Sec. 2. *Be it enacted*, That the county line between Warren and Cannon counties shall be so run as to run up the fork of the Barren Fork, called the Bull-pen Fork, from the place where the said line now crosses the same, with the meanders of said fork to Daniel Mansel's spring, and from said spring a north-east course to Samuel Edmonson's barn, at the place where William Bates formerly lived, now called Claremont; and from said barn a due north-east course, leaving said Edmonson's dwelling-house in Warren county, to a point where said line will intersect the line between said counties, as heretofore run and established; and the said line, as above described is hereby established as the line between said counties; and the same is hereby altered in conformity with the above calls: *Provided*, said county of Cannon shall not be reduced below her constitutional limits.

Which amendment was adopted.

Said bill and amendments were read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, to increase the jurisdiction of justices of the peace, passed Nov. 30, 1837.

On motion of mr. Foster,

Said bill was ordered to the table.

The Senate took up the consideration of

A bill from the House of Representatives, to authorize Thomas Lanier, of the county of Wayne, to open and keep in repair a Turnpike road.

Which being read,

Mr. Matthews moved to strike out the last line of the 9th section of said bill, the word "twenty," and insert "thirty."

Which amendment was adopted.

Mr. Johnson offered the following amendment to said bill, to wit:

Be it further enacted, That nothing in this act shall be so construed as to prevent any future Legislature from altering, amending, modifying or repealing the charter, when in the opinion of the Legislature the public good may require the same to be done.

Which amendment being read, when

Mr. Johnson demanded the ayes and noes upon the adoption of said amendment; which being had, was determined in the negative—ayes 10, noes 14.

Those who voted in the affirmative are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Powell, Ross, Waterhouse and Warner—10.

Those who voted in the negative are:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Matthews, Miller, Nelson, Peyton, Reneau, Sevier, Williams and Speaker Turney—14.

So said amendment was rejected.

Said bill, as amended, was read a third time and passed, and ordered to be transmitted to the House of Representatives, and that the concurrence of the House to the amendments thereto adopted, be requested.

On motion of mr. Ledbetter,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the consideration of

A bill from the House of Representatives, to change the time of holding the Chancery Courts in Lewisburg, Marshall county.

Which, on motion of mr. Warner, was laid on the table. Also,

A bill to provide more effectually for the poor.

Which being read,

On motion of mr. Foster,

Was referred to the committee on the Judiciary.

Mr. Nelson introduced

A bill to increase the number of Trustees of the Knoxville Female Academy.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives are now ready to receive the Senate in the Representative Hall, for the purpose of electing an Attorney General for the 10th Judicial Circuit, and an Attorney General for the 4th Judicial Circuit.

And then he withdrew.

Whereupon, mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives, for the purpose of electing an Attorney General in the 6th Judicial Circuit, and an Attorney General for the 4th Judicial Circuit.

A call of the convention of both Houses of the General Assembly being demanded,

Those of the Senators who answered were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—25.

A call of the House of Representatives being had in like manner, when 74 gentlemen answered:

The resolution proposing that the Senate meet the House in Convention in the Representative Hall on this day to elect an Attorney General for the 10th Judicial District, being read, the Speaker of the Senate put the question:

Shall the convention proceed in the election of an Attorney General for the 10th Judicial Circuit?

Which was determined in the affirmative,

Mr. ——— nominated William B. Grove,

Mr. ——— nominated Timothy E. Scurlock,

Mr. ——— nominated Joseph T. Talbot,

As candidates for said office of Attorney General.

The convention then proceeded, *viva voce*, to elect an Attorney General for the 10th Judicial Circuit.

Those gentlemen of the Senate who voted for mr. Grove, were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—in like manner the votes cast by the House of Representatives were 32—in all 44.

Those gentlemen of the Senate who voted for mr. Scurlock, were:

Messrs. Martin, Miller, Waterhouse, and Speaker Turney, 4—in like manner the votes cast by the House of Representatives for mr. Scurlock, were 8—in all 12.

Those gentlemen of the Senate who voted for mr. Talbot, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, and Warner, 9—in like manner the votes cast by the House of Representatives, were 34—in all 43.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed further in said election?

Which being determined in the affirmative,

Said convention proceeded a second time, *viva voce*, to elect an Atterney General for the 10th Judicial Circuit.

Those gentlemen of the Senate who voted for Mr. Grove were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12.—in like manner the votes cast by the House of Representatives for Mr. Grove were 32—in all 44.

Gentlemen of the Senate who voted for Mr. Scurlock are:

Messrs. Martin, Miller, Waterhouse, and Speaker Turney, 4.—In like manner the votes cast by the House of Representatives for Mr. Scurlock were 7—in all 11.

Gentlemen of the Senate who voted for Mr. Talbot were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, and Warner, 9.—In like manner the votes cast by the House of Representatives for Mr. Talbot were 35—in all 44.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed further in said election?

Which being determined in the affirmative, the Convention proceeded, *viva voce*, a *third* time in the election of an Attorney General for the 10th judicial circuit.

Those gentlemen of the Senate who voted for Mr. Grove were:

Messrs. Ashe, Bradbury, Foster, Grey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12.—In like manner the votes cast by the House of Representatives for Mr. Grove were 32—in all 44.

Those gentlemen of the Senate who voted for mr. Scurlock, were:

Messrs. Miller, Waterhouse, and Speaker Turney, 3—in like manner the votes cast by the House of Representatives for mr. Scurlock, were 6—in all 9.

Those gentlemen of the Senate who voted for mr. Talbot are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross and Warner, 10—in like manner the votes cast by the House of Representatives for mr. Talbot were 36—in all 46.

Neither of said candidates having a majority of all the votes cast in

said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed further in said election?

Which being determined in the affirmative, the convention proceeded *viva voce, a fourth time*, to elect an Attorney General for the 10th Judicial circuit.

Those gentlemen of the Senate who voted for mr. Grove are:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams, 12—in like manner the votes cast in the House of Representatives for mr. Grove were 31—in all 43.

Mr. Speaker Turney voted for mr. Scurlock, 1—in like manner the votes cast by the House of Representatives for mr. Scurlock were 8—in all 9.

Those gentlemen of the Senate who voted for mr. Talbot are:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and Warner, 12—in like manner the votes cast by the House of Representatives for mr. Talbot were 35—in all 47.

Neither of the candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed farther in said election?

Which being decided in the affirmative, the convention proceeded *viva voce*, a fifth time, to elect an Attorney General for the 10th Judicial circuit.

Those gentlemen of the Senate who voted for mr. Grove, were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—in like manner the votes cast by the House of Representatives for mr. Grove were 33—in all 45.

In Senate, mr. Speaker Turney voting for mr. Scurlock, 1—in like manner the votes in the House of Representatives for mr. Scurlock were 5—in all 6.

Those gentlemen of the Senate who voted for mr. Talbot were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and Warner, 12—in like manner the votes cast in the House of Representatives for mr. Talbot were 36—in all 48.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed further in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, a sixth time, to elect an Attorney General for the 10th Judicial circuit.

Those gentlemen of the Senate who voted for mr. Grove were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams, 12—in like manner the

votes cast in the House of Representatives for mr. Grove were 29——in all 41.

In Senate mr. Speaker Turney voting for mr. Scurlock—in like manner the votes cast in the House of Representatives for mr. Scurlock were 7—in all 8.

Those gentlemen of the Senate voting for mr. Talbot were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and Warner, 12—in like manner the votes cast in the House of Representatives for mr. Talbot, 38—in all making 50—which being a majority of all the votes cast in said convention, the Speaker of the Senate thereupon declared that Joseph H. Talbot was duly and constitutionally elected Attorney General for the 10th Judicial circuit of the State of Tennessee, for six years from the ———.

The convention then proceeded *viva voce*, to elect an Attorney General for the 4th Judicial circuit.

The gentlemen being in nomination as candidates for said office were messrs. M. M. Bryan, John M. Savage, John A. Minnis, A. N. Looney and Gideon Matlock.

Those gentlemen of the Senate who voted for mr. Matlock were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Warner and Speaker Turney, 8—in like manner the votes cast in the House of Representatives for Matlock were 22—making in all 30.

Those gentlemen of the Senate who voted for mr. Looney were:

Messrs. Bradbury, Motley, Peyton, Powell and Reneau, 5—in like manner the votes in the House of Representatives for mr. Looney were 18—making in all 23.

Those gentlemen of the Senate who voted for mr. Savage were:

Messrs. Laughlin, Ross and Waterhouse, 3—the votes cast in the House of Representatives for mr. Savage were 12—in all 15.

Those gentlemen of the Senate who voted for mr. Bryan were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Miller, Nelson, Sevier, and Williams, 9. The votes cast in the House of Representatives for Mr. Bryan were 13—in all 22.

The vote cast in the House of Representatives for Mr. Minnis were 10.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed further in said election?

Which being determined in the affirmative, the Convention proceeded, *viva voce*, a second time in the election of an Attorney General for the 4th judicial circuit.

Those gentlemen of the Senate who voted for Mr. Matlock were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Warner, and Speaker Turney, 8—in like manner the votes cast by the House of Representatives for mr. Matlock were 24—in all 32.

Those gentlemen of the Senate who voted for mr. Looney, were:

Messrs. Bradbury, Motley, Peyton, Powell, and Reneau, 5.—In

like manner the votes cast by the House of Representatives for mr. Looney were 19—in all 24.

Those gentlemen of the Senate who voted for mr. Savage are;

Messrs. Laughlin, Ross, and Waterhouse, 3.—The vote cast by the House of Representatives for mr. Savage were 13—in all 16.

Gentlemen of the Senate who voted for mr. Bryan, were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Miller, Nelson, Sevier, and Williams, 9.—In the House of Representatives the vote cast for mr. Bryan being 11—in all 20.

The votes cast by the House of Representatives for mr. Minnis were 8.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed further in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, a third time to elect an Attorney General for the 4th Judicial Circuit.

Those gentlemen of the Senate who voted for mr. Matlock were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Warner, and Speaker Turney, 8.—The votes cast by the House of Representatives for mr. Matlock were 26—in all 34.

Gentlemen of the Senate who voted for mr. Looney were:

Messrs. Bradbury, Foster, Peyton, Powell, and Reneau, 5.—The votes cast by the House of Representatives for mr. Looney were 22—in all 27.

Those gentlemen of the Senate who voted for mr. Savage, were:

Messrs. Laughlin, Ross, and Waterhouse, 3.—The votes cast by the House of Representatives for mr. Savage were 11—in all 14.

Gentlemen of the Senate who voted for mr. Bryan were:

Messrs. Ashe, Frey, Jennings, Ledbetter, Miller, Motley, Nelson, Sevier, and Williams, 9.—the votes cast by the House of Representatives for mr. Bryan were 9—in all 18.

The votes cast in the House of Representatives for mr. Minnis were 7.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed in said election?

When the convention adjourned to meet again in the Hall of the House of Representatives on to-morrow to proceed further in said election.

Whereupon, Mr. Speaker Turney and gentlemen of the Senate returned to the Senate chamber, and resumed their session.

On motion of mr. Nelson,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, Nov. 3, 1841.

Mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives, the Speaker of the Senate and Speaker of the House of Representatives in the Chair.

The Convention was called to order by the Speaker of the Senate and the Roll of Senators called, when twenty-five answered.—There were present seventy-five Representatives.

The Speaker of the Senate put the question,

Shall the Convention proceed in the election of an Attorney General for the 4th judicial circuit?

Which being determined in the affirmative, the convention proceeded, *viva voce*, a fourth time in said election.

Those gentlemen of the Senate who voted for mr. Matlock, were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Matthews, Miller, Warner, and Speaker Turney, 9—The votes cast by the House of Representatives for mr. Matlock, were 31—in all 40.

Senators who voted for mr. Looney, were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Powell, Reneau, Sevier, and Williams, 13.—The votes cast by the House of Representatives for Mr. Looney were 30—in all 43.

Senators who voted for mr. Savage, were:

Messrs. Laughlin, Ross, and Waterhouse, 3.—The vote cast in the House of Representatives for mr. Savage were 14—in all 17.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election. When the name of mr. Looney was withdrawn, the Speaker of the Senate put the question,

Will the convention proceed further in said election?

Which being determined in the affirmative, the convention proceeded, *viva voce*, a fifth time to elect an Attorney General for the fourth judicial circuit.

The Senators who voted for Mr. Matlock, were:

Messrs. Foster, Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Motley, Warner, and Speaker Turney, 11.—The votes cast in the House of Representatives were 34—in all 45.

Gentlemen of the Senate who voted for John H. Savage were:

Messrs. Ashe, Bradbury, Frey, Jennings, Ledbetter, Laughlin, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, and Williams, 14.—The votes cast in the House of Representatives for mr. Savage being 39—in all 53 votes, being a majority of the votes cast in said convention.

Whereupon, Mr. Speaker Turney, declared that John H. Savage was duly and constitutionally elected Attorney General for the fourth judicial circuit, in the State of Tennessee, from the day of October, in the year eighteen hundred and forty-two.

A resolution adopted by the House of Representatives and concurred in by the Senate, proposing that the Senate meet the House in its Hall on this day, for the purpose of electing an Attorney General

for the 6th Judicial Circuit in the State of Tennessee, was read in Convention.

The Speaker of the Senate put the question:

Shall the Convention proceed to elect an Attorney General for the 6th Judicial Circuit for the State of Tennessee?

Which being determined in the affirmative,

When mr. Foster nominated mr. Perkins, mr. Barry nominated mr. Allen, mr. Frey nominated mr. Turner, mr. Bradbury nominated mr. Smiley, and mr. Peyton nominated mr. Trimble, as candidates for said office.

The convention then proceeded, *viva voce*, to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 6—the vote cast in the House of Representatives for mr. Perkins and reported, being 21—in all 27.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Waterhouse, and Warner, 10—the vote cast in the House of Representatives for mr. Allen and reported, being 31—in all 41.

Those Senators who voted for mr. Turner, were:

Messrs. Frey and Sevier, 2—the votes cast of the House of Representatives for mr. Turner as reported, being 9—in all 11.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Miller, Peyton, Reneau, Ross, and Williams, 6—the votes cast in the House of Reprcsentatives for mr. Trimble and reported, being 11—in all 17.

Mr. Bradbury, a Senator, voting for mr. Smiley—the vote cast in the House of Representatives for mr. Smiley, and reported, being 3—in all 4.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, a second time in said election.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 6—the votes cast in the House of Representatives for mr. Perkins and reported, being 21—in all 27.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast in the House of Representatives for mr. Allen as reported, being 29—in all 40.

Those Senators who voted for mr. Turner, were:

Meessrs. Frey, and Sevier, 2—the votes cast in the House of Representatives for mr. Turner as reported, being 11—in all 13.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5—the votes cast in the House of Representatives for mr. Trimble as reported, being 12—in all 17.

Senator Bradbury voting for mr. Smiley—the votes cast by the House of Representatives being 2—in all 3—when mr. Smiley was withdrawn.

Neither of said candidates having a majority of votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which being determined in the affirmative,

The convention proceeded in said election, *viva voce*, a third time.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Bradbury, Foster, Ledbetter, Motley, and Speaker Turney, 7—the votes cast in the House of Representatives for mr. Perkins as reported, being 22—in all 29.

Those Senators who voted for mr. Allen, were:

Messrs, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast in the House of Representatives for mr. Allen as reported, being 31—in all 42.

Those Senators who voted for mr. Turner, were:

Messrs. Frey, and Sevier 2—the votes cast of the House of Representatives for mr. Turner as reported, being 11—in all 13.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross and Williams, 5—the votes cast of the House of Representatives for mr. Trimble as reported, being 11—in all 16.

Neither of said candidates having a majority of votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, a fourth time to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Bradbury, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 7—the votes cast of the House of Representatives being 22—in all 29.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported, being 31—in all 42.

Those Senators who voted for mr. Turner, were:

Messrs. Frey, and Sevier, 2—the votes cast of the House of Representatives for mr. Turner as reported, being 9—in all 11.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5—the votes

cast of the House of Representatives for mr. Trimble as reported, being 13—in all 18.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the Convention proceed in said election?

Which being determined in the affirmative,

The Convention proceeded, *viva voce*, a fifth time to elect an Attorney General in the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Bradbury, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 7—the votes cast of the House of Representatives for mr. Perkins as reported, being 25—in all 32.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes of the House of Representatives for mr. Allen as reported, being 32---in all 43.

Those Senators who voted for mr. Turner, were:

Messrs. Frey, and Sevier, 2—the votes cast of the House of Representatives for mr. Turner as reported, being 9—in all 11.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5—the votes cast of the House of Representatives for mr. Trimble as reported, being 9—in all 14.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention now proceed in said election?

Which being determined in the affirmative,

The convention proceeded a sixth time, *viva voce*, to elect an Attorney General in the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Bradbury, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 7—the votes cast of the House of Representatives for mr. Perkins as reported, being 23—in all 30.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported, being 34—in all 45.

Those Senators who voted for mr. Turner, were:

Messrs. Frey, and Sevier, 2—the votes cast of the House of Representatives for mr. Turner as reported, being 7—in all 9.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Ross, ——— and Williams, 5—the vote cast of the House of Representatives for mr. Trimble as reported, being 11—in all 16.

Neither of said candidates having received a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which being determined in the affirmative,

The convention proceeded a seventh time, *viva voce*, to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Perkins as reported, being 19—in all 25.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast of the House of Representatives for mr. Allen being 36—in all 47.

Those Senators who voted for mr. Turner, were:

Messrs. Bradbury, Frey, and Sevier, 3—the votes cast of the House of Representatives being 9—in all 12.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5—the votes of the House of Representatives being 11—in all 16.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, an eighth time to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 6—the votes cast in the House of Representatives for mr. Perkins as reported, being 28—in all 34.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported, being 31—in all 42.

Those Senators voting for mr. Turner, were:

Messrs. Bradbury, Frey, and Sevier, 3—the votes cast of the House of Representatives for mr. Turner being, as reported, 8—in all 11.

Those Senators voting for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5—the votes cast of the House of Representatives for mr. Trimble as reported, being 8—in all 13.

Neither of said candidates having received a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, a ninth time to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson and Speaker Tur-

ney, 6—the votes cast in the House of Representatives for mr. Perkins as reported being 23—in all 29.

Those Senators voting for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported being 33—in all 44.

Those Senators voting for mr. Turner were:

Messrs. Bradbury, Frey and Sevier, 3—the votes cast of the House of Representatives for mr. Turner as reported being 6—in all 9.

Those Senators voting for mr. Trimble were:

Messrs. Jennings, Peyton, Reneau, Ross and Williams, 5—the votes cast of the House of Representatives for mr. Trimble as reported being 12—in all 17.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, said convention proceeded *viva voce*, a tenth time, to elect an Attorney General for the 6th Judicial circuit.

Mr. Smiley was again nominated as a candidate.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Perkins as reported being 19—in all 25.

Those Senators voting for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported being 34—in all 45.

Those Senators who voted for mr. Turner were:

Messrs. Frey and Sevier, 2—and the votes cast of the House of Representatives for mr. Turner as reported are 5—in all 7.

Those Senators who voted for mr. Trimble were:

Messrs. Jennings, Peyton, Reneau, Ross and Williams, 5—the votes cast of the House of Representatives as reported being 11—in all 16.

Senator Bradbury voting for mr. Smiley—the votes cast of the House of Representatives for mr. Smiley as reported being 6—in all 7.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which was determined in the affirmative; said convention proceeded *viva voce*, an eleventh time, to elect an Attorney General for the 6th Judicial circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Ledbetter, Matthews, Motley and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Perkins as reported being 16—in all 22.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Powell, Waterhouse and Warner, 10—the votes cast of the House of Representatives for mr. Allen as reported being 33—in all 43.

Those Senators who voted for mr. Turner were:

Messrs. Frey and Sevier, 2—the votes cast of the House of Representatives for mr. Turner as reported being 10—in all 12.

Those Senators who voted for mr. Trimble were:

Messrs. Jennings, Nelson, Peyton, Reneau, Ross and Williams, 6—the votes cast of the House of Representatives for mr. Trimble as reported being 12—in all 18.

Senator Bradbury voting for mr. Smiley—the votes cast of the House of Representatives for mr. Smiley as reported being 4—in all 5.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, a twelfth time, to elect an Attorney General for the 6th Judicial circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Ledbetter, Motley and Speaker Turney, 5—the votes cast of the House of Representatives for mr. Perkins as reported being 17—in all 22.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported being 35—in all 46.

Those Senators who voted for mr. Turner were:

Messrs. Frey and Sevier, 2---the votes cast of the House of Representatives for mr. Turner as reported being 5---in all 7.

Those Senators who voted for mr. Trimble were:

Messrs. Jennings, Nelson, Peyton, Reneau, Ross and Williams, 6---the votes cast of the House of Representatives for mr. Trimble as reported being 16---in all 22.

Senator Bradbury voting for mr. Smiley---the votes cast of the House of Representatives for mr. Smiley as reported being 2---in all 3.

Neither of the candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, a thirteenth time, in the election of an Attorney General for the 6th Judicial circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Ledbetter, Motley and Speaker Turney, 5—the votes cast of the House of Representatives for mr. Perkins as reported being 19---in all 24.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, miller, Powell, Waterhouse and Warner, 11---the votes cast of the House of Representatives for mr. Allen as reported being 34---in all 45.

Those Senators who voted for mr. Turner were:

Messrs. Frey and Sevier, 2---the votes cast of the House of Representatives for mr. Turner as reported being 6---in all 8.

Those Senators who voted for mr. Trimble were:

Messrs. Jennings, Nelson, Peyton, Reneau, Ross and Williams, 6---the votes cast of the House of Representatives for mr. Trimble as reported being 14---in all 20.

Senator Bradbury voting for mr. Smiley---the votes cast of the House of Representatives for mr. Smiley as reported being 2---in all 3.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Being had, and determined in the affirmative, the convention proceeded *viva voce*, a fourteenth time, to elect an Attorney General for the 6th Judicial circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Ledbetter, Motley and mr. Speaker Turney, 5.—The votes cast in the House of Representatives for mr. Perkins, as reported, being 19—in all 24.

Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11.—The votes cast of the House of Representatives for mr. Allen, as reported, being 30—in all 41.

Senators who voted for Mr. Turner, were:

Messrs. Frey, Nelson, and Sevier, 3.—The votes of the House of Representatives cast for mr. Turner, as reported, being 12 in all 15.

Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5.—The vote cast of the House of Representatives for mr. Trimble, as reported, being 9—in all 14.

Senator Bradbury voting for mr. Smiley.—The votes cast of the House of Representatives for mr. Smiley, as reported, being 4—in all 5.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed in said election?

Being had and determined in the affirmative, the convention proceeded, *viva voce*, a fifteenth time to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, and Speaker Turney, 5—The votes cast of the House of Representatives for mr. Perkins, as reported, being 18—in all 23.

Senators who voted for Mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11.—The votes cast of the House of Representatives for mr. Allen, as reported, being 37—in all 48.

Senators who voted for mr. Turner, were:

Messrs. Frey, Nelson, and Sevier, 3.—The votes cast in the House of Representatives for mr. Turner, as reported, being 9—in all 12.

Senators voting for mr. Trimble, were:

Messrs. Jennings, Peyton, Reneau, Ross, and Williams, 5.—The votes cast of the House of Representatives for mr. Trimble, as reported, being 9—in all 14.

Senator Bradbury voting for mr. Smiley.—The vote cast of the House of Representatives for mr. Smiley, as reported, being 2—in all 3.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question

Will the Convention proceed in said election?

Being had, was determined in the affirmative. The convention proceeded, *viva voce*, a sixteenth time to elect an Attorney General for the sixth judicial circuit.

Those Senators who voted for mr. Perkins, are:

Messrs. Ashe, Foster, Ledbetter, Motley, and Speaker Turney, 5.—The votes cast of the House of Representatives for mr. Perkins, as reported, being 23—in all 28.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse and Warner, 11.—The votes cast of the House of Representatives for mr. Allen, as reported, being 36—in all 47.

Those Senators who voted for mr. Turner, are:

Messrs. Frey, and Sevier, 2.—The votes cast of the House of Representatives for mr. Turner, as reported, being 6—in all 8.

Senators who voted for mr. Trimble, were:

Messrs. Jennings, Nelson, Peyton, Reneau, Ross, and Williams, 6—The vote cast of the House of Representatives was for Mr. Trimble, as reported, being 8—in all 14.

Senator Bradbury voting for mr. Smiley.—The votes cast of the House of Representatives for mr. Smiley, as reported, being 2—in all 3.

Neither of the candidates having a majority of the votes cast in said convention, the question,

Will the convention proceed in said election?

Being had, was determined in the affirmative.

The convention proceeded, *viva voce*, a seventeenth time to elect an Attorney General for the sixth judicial circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Tur-

ney, 6.—The votes cast of the House of Representatives, for mr. Perkins, as reported, being 23—in all 29.

Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—The votes cast of the House of Representatives for mr. Allen, as reported, being 36—in all 47.

Senators who voted for mr. Turner were:

Messrs. Frey, Jennings, and Sevier, 3.—The votes cast of the House of Representatives for mr. Turner, as reported, being 6—in all 9.

Senators who voted for mr. Trimble were:

Messrs. Peyton, Reneau, Ross, and Williams, 4.—The votes cast of the House of Representatives for mr. Trimble, as reported being 8—in all 12.

Senator Bradbury voting for mr. Smiley.—The vote cast of the House of Representatives for mr. Smiley, as reported, being 2—in all 3.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, the question,

Will the convention proceed in said election?

Being had, was determined in the affirmative, the convention proceeded, *viva voce*, the eighteenth time to elect an Attorney General for the sixth judicial circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Jennings, Ledbetter, Motley, Nelson, and Mr. Speaker Turney, 7.—The votes cast of the House of Representatives for mr. Perkins, as reported, being 27—in all 34.

Senators voting for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse and Warner, 11.—The votes cast of the House of Representatives for mr. Allen, as reported, were 36—in all 47.

Senators voting for mr. Turner were:

Messrs. Frey, and Sevier, 2.—The votes cast of the House of Representatives for mr. Turner, as reported, being 3—in all 5.

Senators who voted for mr. Trimble were:

Messrs. Peyton, Reneau, Ross, and Williams, 4.—The votes cast of the House of Representatives for mr. Trimble as reported being 7—in all 11.

Senator Bradbury voting for mr. Smiley.—The votes cast of the House of Representatives for mr. Smiley, as reported, being 1—in all 2.

Neither of said candidates having received a majority of all the votes cast in said Convention, the question,

Will the convention proceed in said election?

Being had and determined in the affirmative,

Senator Foster moved that the convention take a recess and meet again in the Hall of Representatives on to-morrow morning at 9 o'clock to proceed in said election—it being half past 4 o'clock, P. M.

Said motion prevailing,

The convention took a recess, to meet again on to-morrow morning in the Representative Hall, at 9 o'clock, A. M.

THURSDAY, Nov. 4, 1841.

Mr. Speaker Turney of the Senate, and mr. Speaker Douglass of the House of Representatives, in the Chair of the Representative Hall,

The Speaker of the Senate directed that the roll of the Senators be called.

Which being done, there appeared twenty-five Senators present.

The roll of the House of Representatives being in like manner called, and the clerk announced that all the members of the House of Representatives were present,

The convention resumed the unfinished business of yesterday.

The Speaker of the Senate put the question:

Will the convention proceed in said election?

Was determined in the affirmative.

The convention proceeded, *viva voce*, a nineteenth time, to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Perkins as reported, being 21—in all 27.

Those Senators who voted for mr. Allen, were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 12—the votes cast of the House of Representatives for mr. Allen as reported, being 38—in all 50.

Those Senators who voted for mr. Turner, were:

Messrs. Frey, and Sevier, 2—the votes cast of the House of Representatives for mr. Turner as reported, being 6—in all 8.

Those Senators who voted for mr. Trimble, were:

Messrs. Jennings, Peyton, Ross, and Williams, 5—the votes cast of the House of Representatives for mr. Trimble as reported, being 8—in all 13.

The vote of the House of Representatives for mr. Smiley as reported, being 2.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which was determined in the affirmative.

The convention proceeded, *viva voce*, a twentieth time, to elect an Attorney General for the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Foster, Ledbetter, Motley, Nelson, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Perkins as reported, being 28—in all 34.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported, being 37—in all 48.

Those Senators who voted for mr. Turner, were:

Messrs. Bradbury, Frey, Jennings, and Sevier, 4—the votes cast of the House of Representatives for mr. Turner as reported, being 7—in all 11.

Those Senators who voted for mr. Trimble, were:

Messrs. Peyton, Reneau, Ross, and Williams, 4—the votes cast of the House of Representatives for mr. Trimble as reported, being 3—in all 7.

The name of mr. Smiley as a candidate was then withdrawn.

Neither of said candidates having received a majority of the whole number of votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Will the convention proceed in said election?

Being had, was determined in the affirmative.

The convention proceeded, *viva voce*, a twenty-first time, to elect an Attorney General for the 6th Judcial Circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Jennings, Ledbetter, Motley, Nelson, Reneau, Williams and Speaker Turney, 9—the votes cast of the House of Representatives for mr. Perkins as reported being 29—in all 38.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse and Warner, 11—the votes cast of the House of Representatives for mr. Allen as reported being 37—in all 48.

Those Senators who voted for mr. Turner were:

Messrs. Bradbury, Frey and Sevier, 3—the votes cast of the House of Representatives for mr. Turner as reported being 8—in all 11.

Those Senators who voted for mr. Trimble were:

Messrs. Peyton and Ross, 2—the votes cast of the House of Representatives for mr. Trimble as reported being 1—in all 3.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Will the convention proceed in said election?

Being had, and determined in the affirmative, the convention proceeded a twenty-second time, *viva voce*, to elect an Attorney General for the 6th Judicial circuit.

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Foster, Jennings, Ledbetter, Motley, Nelson, Reneau, Williams and mr. Speaker Turney 9—the votes cast of the House of Representatives for mr. Perkins as reported being 29—in all 38.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and Warner, 12—the votes

cast of the House of Representatives for mr. Allen as reported being 38---in all 50.

Those Senators who voted for mr. Turner were:

Messrs. Bradbury, Frey and Sevier, 3---the votes cast of the House of Representatives for mr. Turner as reported being 5---in all 8.

A Senator who voted for mr. Trimble was mr. Peyton, 1---the votes cast of the House of Representatives for mr. Trimble as reported being 3---in all 4.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election. The question,

Will said convention proceed in said election?

Being had, was determined in the affirmative.

The convention then proceeded to elect an Attorney General for the 6th Judicial circuit the twenty-third time, *viva voce.*

Those Senators who voted for mr. Perkins were:

Messrs. Ashe, Bradbury, Foster, Jennings, Ledbetter, Motley, Nelson, Reneau, Williams and Speaker Turney, 10---the votes cast of the House of Representatives for mr. Perkins as reported being 27---in all 37.

Those Senators who voted for mr. Allen were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and Warner, 12---the votes cast of the House of Representatives for mr. Allen as reported being 38---in all 50.

Those Senators who voted for mr. Turner were:

Messrs. Frey and Sevier, 2---the votes cast of the House of Representatives for mr. Turner as reported being 6---in all 8.

Those Senators who voted for mr. Trimble were:

Senator Peyton voting for mr. Trimble—the vote cast in the House of Representatives for mr. Trimble, as reported, being 4---in all 5.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Will the convention proceed in said election?

Being had, was determined in the affirmative.

The convention proceeded *viva voce*, a twenty-fourth time to elect an Attorney General in the 6th Judicial Circuit.

Those Senators who voted for mr. Perkins, were:

Messrs. Ashe, Bradbury, Foster, Ledbetter, Motley, Nelson, Reneau, Williams, and Speaker Turney, 9---the votes cast of the House of Representatives for mr. Perkins, as reported, being 33---in all 42.

Those Senators who voted for mr. Allen, were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, 12---the vote cast of the House of Representatives for mr. Allen, as reported, being 39---in all 51.

Which being a majority of all the votes cast in said convention,

Speaker Turney declared that George W. Allen was duly and con-

stitutionally elected Attorney General for the 6th Judicial Circuit for six years.

Whereupon the convention rose.

Speaker Turney and gentlemen of the Senate returned to their Chamber and resumed their Session.

Mr. Ashe presented the petition of citizens of Tipton county, praying that a law be passed, changing the lines and enlarging the territorial limits of said county.

Which being read, was ordered to be transmitted to the House of Representatives.

Mr. Warner presented three petitions of, containing in all, 147 citizens of Bedford county, praying the Legislature to pass a law modifying the tippling act, authorising a license for the same, under certain penalties and restrictions.

Which petitions were severally read and ordered to be transmitted to the House of Representatives.

Mr. Motley presented the petition of sundry citizens of Wilson county, praying that a law be passed to attach that part of Wilson county in said petition mentioned, to Cannon county.

Which being read, was referred to the committee on new counties and county lines.

Mr. Gardner submitted the following:

Resolved by the Senate of the General Assembly of the State of Tennessee, That so much of the message of his Excellency, James C. Jones, as relates to the subjects of Agriculture and Manufactures be and the same is hereby referred to the committee on Agriculture and Manufactures.

Which being read, the rule requiring said resolution to lie over one day, was, on motion of mr. Gardner, suspended, and said resolution adopted.

Mr. Martin submitted the following:

Ordered, That the clerk respectfully request the House of Representatives to transmit to the Senate, a memorial of sundry citizens of Maury county, praying that an act be passed authorising ——— McKee to build a mill on Duck River in said county.

Which being read was adopted.

The clerk is therefore directed to act in conformity therewith.

Mr. Nelson from the committee on Internal Improvement, to whom was referred

A bill from the House of Representatives to charter the Sevier Turnpike company,

Reports that they have had the same under consideration and have instructed him to report an amendment to the second section thereof by striking out the words "two years" and inserting in lieu thereof "one year"—and by amending the 7th section by inserting the words "*by the County Court of Sevier County*" after the word "chosen"—and with said amendments recommended its passage.

Which being read, as amended,

Mr. Warner offered the following additional section as an amendment to said bill, to-wit:

Be it enacted, That the real and personal property of the individuals composing said company, be, and the same is hereby made liable for the payment of the debts contracted by said company, or for any debt or debts contracted by the authority aforesaid.

Which being read,

Mr. Laughlin moved to lay said bill as amended, with the amendment offered by mr. Warner, on the table.

Which motion prevailed,

The Senate, on motion of mr. Laughlin, took up the consideration of

A bill to remove the seat of Government from Nashville, to McMinnville, in Warren county.

Which being read,

Mr. Jennings moved to strike out the whole of the bill after the enacting clause, and insert in lieu thereof, the following, to-wit:

"That the regular session of the General Assembly of the State of Tennessee in the year 1843, be held in the city of Nashville, in the county of Davidson."

Mr. Martin moved to lay said bill with amendment offered by mr. Jennings on the table until the 10th day of December next.

Which motion prevailed.

Mr. Foster introduced

A bill to secure the revenue of this State, and to provide for the investigation of accounts of certain officers before election.

Which was read a first time and passed.

Mr. Ledbetter moved that the Senate take up the two resolutions introduced by the Senator from White to elect two Senators in the Congress of the United States from the State of Tennessee.

Mr. Johnson moved an adjournment of the Senate until to-morrow morning 9 o'clock.

The ayes and nays being demanded by mr. Ledbetter,

It was determined in the negative—ayes, 10—nays, 15.

Those who voted in the affirmative were:

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Maclin, Matthews, Miller, Ross, and Speaker Turney, 10.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, Warner, and Williams—15.

So said motion to adjourn was rejected.

The question then recurred upon the motion of mr. Ledbetter to take up said resolution,

Which being had was determined in the negative—ayes, 12—noes, 13.

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin,

Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Speaker Turney, 13.

So said motion to take up said resolution was rejected.

The Senate, on motion of mr. Laughlin, took up

A bill to alter the dividing line between Rutherford and Cannon counties.

Which being read,

Mr. Laughlin asked and obtained leave to withdraw said bill for amendment, which bill he shortly afterwards returned with slight amendments.

Which was read and adopted.

And said bill with the amendments was read a third and last time and passed.

Which was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Laughlin introduced

A bill to incorporate the inhabitants of the town of Hillsboro, in the county of Coffee.

Which being read,

Mr. Bradbury moved to amend said bill by inserting therein after the word "incorporated:"

"*Provided* said town has two houses."

Which amendment was adopted, and said bill as amended passed a first time.

Mr. Martin moved a re-consideration of the vote adopting the amendment offered by mr. Bradbury to the bill incorporating the town of Hillsborough in the county of Coffee.

Which motion prevailing,

Mr. Bradbury asked and obtained leave to withdraw said amendment.

On motion of mr. Williams,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, Nov. 5, 1841.

Mr. Nelson moved that the Senate take up two resolutions submitted by the Senator from White proposing to elect two Senators in the Congress of the United States from the State of Tennessee, and demanded the ayes and noes, which being had, was determined in the negative—ayes, 12—noes, 13.

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were:

Messrs, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Speaker Turney—13.

So said motion to take up said resolution was rejected.

Mr. Nelson introduced

A bill to change the time of holding the circuit courts in the 2nd judicial district of the State of Tennessee.

Which was read a first time and passed.

The Senate, on motion of Mr. Laughlin, took up the consideration of a resolution by him submitted on the 16th ult., on Federal Relations,

When mr. Laughlin moved and had leave to amend said resolution by adding thereto the following, to-wit:

9. *Resolved*, That this General Assembly fully recognizes and expressly asserts, the right of the General Assembly, by resolutions or otherwise, to instruct Senators in Congress in regard to all public measures of Federal policy, and that it is the duty of Senators when so instructed to obey said instructions or resign their seats.

10. *Resolved*, That all constituences, or portions of constituencies, whether the same consists of majorities or minorities, and whether the same consists of members of the General Assembly or of the people, in their primary character as voters, have the absolute constitutional right to respectfully interrogate and require of all candidates for seats in Legislative bodies, in which the right of said constituencies and voters may become the subjects of legislative action, a public declaration of their opinions and views in regard to all public measures which may affect the rights of such constituences, and it is hereby declared to be the duty of all such candidates, when so interrogated to give full, distinct, and explicit answers to the same.

11. *Resolved*, That this General Assembly explicitly recognizes and affirms the constitutional right of a majority of all constituencies of members of legislative bodies, to instruct their Senators and Representatives touching the performance of all legislative duties, and that it is the bounden duty of all members of such bodies, under the Constitution of the United States and of the State of Tennessee, when so instructed, to obey and conform to such instructions.

12. *Resolved*, That the Senators in Congress from this State are hereby instructed, and the Representatives are hereby requested, to conform in their votes to the foregoing declaration of the opinion of this General Assembly.

On motion of mr. Laughlin,

Said amendment, with said resolutions, being read, was ordered to the table.

The Senate took up, on motion of mr. Ledbetter, on its third and last reading,

A bill incorporating the Union University of Tennessee.

When mr. Foster moved to amend said bill by striking out the caption, and inserting in lieu thereof the following:

A bill to establish a University in Murfreesboro', in the county of Rutherford, to be denominated the Union University of Murfreesboro'.

Which amendment was, on motion of mr. Ledbetter, laid on the table.

Mr. Ledbetter moved to lay said bill on the table.

Which motion prevailed.

Mr. Hardwicke presented the communication of citizens of Humphreys and Benton counties, directed to the Hon. H. H. Marable, a Representative from the said counties in the present General Assem-

bly, protesting against his voting for Whig Senators to the Congress of the United States from the State of Tennessee.

Which being read, was,

On motion of mr. Hardwicke,

Transmitted to the House of Representatives.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered a resolution of the Senate, proposing to meet the House in the Representative Hall on Friday the 5th instant, at 11 o'clock, A. M., and concur therein.

The Speaker of the House of Representatives has signed an enrolled bill—

An act to amend an act passed in 1825, chapter 52.

I am also directed to state that the House of Representatives is now ready to receive the Senate in their Representative Hall, for the purpose of electing a Superintendent of Public Instruction, and an Attorney General for the 8th Judicial Circuit.

Also the resignation of R. P. Currin, Superintendent of Public Instruction—which I am directed to transmit to the Senate.

And then he withdrew.

The Senate took up the letter of resignation of R. P. Currin, Superintendent of Public Instruction, resigning said office, to take effect on the 8th instant.

Which being read,

The resignation of said office is accepted.

Mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives, for the purpose of electing a Superintendent of Public Instruction, and an Attorney General in the 8th Judicial Circuit.

Mr. Speaker Turney of the Senate, and mr. Speaker Douglass of the House of Representatives, in the Chair,

A call of the convention of both Houses of the General Assembly being demanded,

Senators present were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, Williams, and Speaker Turney—25.

When called, there being present, as reported, 75 gentlemen of the House of Representatives.

The resolution, proposing that the Senate meet the House of Representatives on this day in the Hall to elect a Superintendent of Public Instruction, adopted by the Senate, and concurred in by the House, being read,

The Speaker of the Senate put the question:

Shall the convention proceed to elect a Superintendent of Public Instruction?

Which was determined in the affirmative.

Mr. Ledbetter nominated Thomas Hord,

Mr. Miller nominated Scott Terry,
Mr. Mitchell nominated Thomas Tite,
Mr. Jennings nominated W. K. McAllister,
Mr. Motley nominated Turner Vaughan,
As candidates for the office of Superintendent of Public Instruction.

The convention then proceeded, *viva voce*, to elect a Superintendent of Public Instruction.

Those Senators who voted for mr. Terry, were:

Messrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Nelson, Waterhouse, Warner, and Speaker Turney, 13—the votes cast of the House of Representatives for mr. Terry, as reported, being 44—in all 57.

Those Senators who voted for mr. Hord, were:

Messrs. Ashe, Bradbury, Ledbetter, and Williams, 4—the votes cast of the House of Representatives for mr. Hord, as reported, being 10—in all 14.

Those Senators who voted for mr. McAllister, were:

Messrs. Jennings, Peyton, Powell, Reneau, and Ross, 6—the votes cast of the House of Representatives for mr. McAllister, as reported, being 13—in all 19.

Senator Sevier voting for mr. Tite, 1—the votes cast of the House of Representatives for mr. Tite, as reported, being 4—in all 5.

Senator Motley voting for mr. Vaughan—the votes cast of the House of Representatives for mr. Vaughan, as reported, being 3—in all 4.

Scott Terry having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that Scott Terry was duly and constitutionally elected Superintendent of Public Instruction in the State of Tennessee, for two years from the 8th November, 1841.

A resolution adopted by the House of Representatives, and concurred in by the Senate, that the Senate meet the House in their Hall, on Friday the 5th day of November, 1841, for the purpose of electing an Attorney General for the 8th Judicial Circuit,

Which being read,

The Speaker of the Senate put the question:

Shall the convention proceed to elect an Attorney General for the 8th Judicial Circuit?

Which being determined in the affirmative,
Senator Warner nominated John W. Campbell,
Senator Nelson nominated George W. Gordon,
Senator Ross nominated Thomas M. Jones,
Mr. Walker nominated James H. Thomas,
Mr. Hopkins nominated Melton A. Haynes,
Mr. ——— nominated Nathaniel Baxter, and
Mr. ——— nominated Jackson B. White as candidates for the office of Attorney General for the 8th judicial circuit.

The convention then proceeded *viva voce*, to elect an Attorney General for the 8th Judicial circuit of the State of Tennessee.

Those Senators who voted for mr. Campbell were:

Messrs. Laughlin, Waterhouse, Warner and Speaker Turney, 4—the votes cast of the House of Representatives for mr. Campbell as reported, being 6—in all 10.

Those Senators who voted for mr. Thomas were:

Messrs. Gardner, Hardwicke, Martin and Miller, 4—the votes cast of the House of Representatives for mr. Thomas as reported being 20—in all 24.

Those Senators who voted for mr. Gordon were:

Messrs. Bradbury, Nelson, Sevier and Williams, 4—the votes cast of the House of Representatives for mr. Gordon as reported being 1—in all 5.

Those Senators who voted for mr. Haynes were:

Messrs. Jennings and Peyton, 2—the votes of the House of Representatives for mr. Haynes being 7---in all 9.

Those Senators who voted for mr. White were:

Messrs. Ashe, Foster, Frey, Ledbetter, Motley and Reneau, 6—the votes cast of the House of Representatives as reported being 18—in all 24.

Those Senators who voted for mr. Jones were:

Messrs. Johnson, Maclin, Matthews, Powell and Ross, 5—the votes cast of the House of Representatives for mr. Jones as reported being 14—in all 19.

The votes cast of the House of Representatives for mr. Baxter as reported being 9.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention now proceed in said election?

Which being determined in the affirmative,

The convention proceeded a second time, *viva voce*, to elect an Attorney General in the 8th Judicial Circuit.

Those Senators who voted for mr. Campbell were:

Messrs. Laughlin, Waterhouse, Warner and Speaker Turney, 4—the votes cast of the House of Representatives for mr. Campbell as reported being 7—in all 11.

Those Senators who voted for mr. Thomas were:

Messrs. Gardner, Hardwicke, Martin and Miller, 4—the votes cast of the House of Representatives for mr. Thomas as reported being 21—in all 25.

Those Senators who voted for mr. Gordon were:

Messrs. Bradbury, Nelson, Sevier and Williams, 4—the votes cast of the House of Representatives for mr. Gordon as reported 1—in all 5.

Those Senators who voted for mr. Haynes were:

Messrs. Jennings and Peyton, 2—the votes cast of the House of Representatives for mr. Haynes as reported being 9—in all 11.

Those Senators who voted for mr. White were:

Messrs. Ashe, Foster, Frey, Ledbetter, Motley and Reneau, 6—the votes cast of the House of Representatives for mr. White as reported being 14—in all 20.

Those Senators who voted for mr. Jones were:

Messrs. Johnson, Maclin, Matthews, Powell and Ross, 5—the votes cast of the House of Representatives for mr. Jones as reported being 13—in all 18.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed further in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, a third time to elect an Attorney General for the 8th Judicial Circuit.

Those gentlemen of the Senate who voted for mr. Campbell were:

Messrs. Laughlin, Waterhouse and Warner, 3—the votes cast by the House of Representatives for mr. Campbell as reported being 7—in all 10.

Those gentlemen of the Senate who voted for mr. Thomas are:

Messrs. Gardner, Hardwicke, Martin and Miller, 4—the votes cast by the House of Representatives for mr. Thomas were 22—in all 26.

Those Senators who voted for mr. White were:

Messrs. Ashe, Foster, Frey, Ledbetter, Motley and Reneau, 6—In the House of Representatives the vote cast for mr. White being 13—in all 19.

Those Senators who voted for mr. Gordon were:

Messrs. Bradbury, Nelson, Sevier and Williams, 4—and for mr. Gordon 1 vote of the House of Representatives as reported---being in all 5.

The votes cast of the House of Representatives for mr. Baxter as reported being 11.

Those Senators who voted for mr. Jones were:

Messrs. Johnson, Maclin, Matthews, Powell, Ross and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Jones as reported being 14—in all 20.

Those Senators who voted for mr. Haynes were:

Messrs. Jennings and Peyton, 2—the votes cast of the House of Representatives for mr. Haynes being 7—in all 9.

Neither of the candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, a fourth time, in the election of an Attorney General for the 8th Judicial circuit.

Those Senators who voted for mr. Campbell were:

Messrs. Laughlin, Powell and Warner, 3—the votes cast of the House of Representatives for mr. Campbell as reported being 8—in all 11.

Those Senators who voted for mr. Thomas were:

Messrs. Gardner, Hardwicke, Martin and Miller, 4—the votes cast of the House of Representatives for mr. Thomas as reported being 22—in all 26.

Those Senators who voted for mr. White were:

Messrs. Ashe, Bradbury, Foster, Frey, Ledbetter, Motley, Reneau and Williams, 8—the votes cast of the House of Representatives for mr. White as reported being 13—in all 21.

Those Senators who voted for mr. Gordon were:

Messrs. Nelson and Sevier, 2—and of the House of Representatives for mr. Gordon one vote—in all 3.

The votes cast of the House of Representatives for mr. Baxter as reported being 11.

Those gentlemen of the Senate who voted for mr. Jones were:

Messrs. Johnson, Maclin, Matthews, Ross, Waterhouse and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Jones as reported being 12—in all 18.

Those Senators who voted for mr. Haynes were:

Messrs. Jennings and Peyton, 2—the votes cast of the House of Representatives for mr. Haynes as reported being 9—in all 11.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed further in said election?

Which being determined in the affirmative, the Convention proceeded, *viva voce*, a fifth time in the election of an Attorney General for the 8th judicial circuit.

Those Senators who voted for mr. Campbell were:

Messrs. Waterhouse and Warner, 2—the votes cast of the House of Representatives for mr. Campbell as reported being 5—in all 7.

Those Senators who voted for mr. Thomas, were:

Messrs. Gardner, Hardwicke, Martin, and Miller, 4—the votes cast of the House of Representatives for mr. Thomas, as reported, being 22—in all 26.

Those Senators who voted for mr. White, were:

Messrs. Ashe, Foster, Frey, Ledbetter, and Motley, 5—the votes cast of the House of Representatives for mr. White, as reported, being 21—in all 26.

Those Senators who voted for mr. Gordon, were:

Messrs. Bradbury, Nelson, Sevier, and Waterhouse, 4—the votes cast by the House of Representatives for mr. Gordon, as reported, being 1—in all 5.

The votes cast of the House of Representatives for mr. Baxter, as reported, being 7.

Those Senators who voted for mr. Jones, were:

Messrs. Johnson, Laughlin, Maclin, Matthews, Powell, Ross, and Speaker Turney, 7—the votes cast of the House of Representatives for mr. Jones, as reported, being 14—in all 21.

Those Senators who voted for mr. Haynes, were:

Messrs. Jennings, Peyton, and Reneau, 3—the votes cast of the House of Representatives for mr. Haynes being, as reported, 4—in all 7.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed in said election?

Which being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, a sixth time, to elect an Attorney General for the 8th Judicial Circuit?

When mr. Gordon was withdrawn.

Those Senators who voted for mr. Thomas, were:

Messrs. Gardner, Hardwicke, Martin, Powell, and Warner, 5—the votes cast of the House of Representatives for mr. Thomas being, as reported, 19—in all 24.

Those Senators who voted for mr. White, were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Motley, and Williams, 7—the votes cast of the House of Representatives for mr. White, as reported, being 19—in all 26.

Those Senators who voted for mr. Baxter, were:

Messrs. Nelson, and Sevier, 2—the votes cast of the House of Representatives for mr. Baxter, as reported, being 19—in all 21.

Those Senators who voted for mr. Jones, were:

Messrs. Johnson, Laughlin, Martin, Matthews, Ross, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Jones, as reported, being 19—in all 25.

Those Senators who voted for mr. Haynes, were:

Messrs. Bradbury, Peyton, Reneau, and Waterhouse, 4—the votes cast of the House of Representatives were 3—in all 7.

Mr. Campbell being withdrawn.

Neither of said candidates having received a majority of the whole number of votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, a seventh time, to elect an Attorney General for the 8th Judicial Circuit.

Those Senators who voted for mr. Thomas, were:

Messrs. Gardner, Hardwicke, Martin, and Miller, 4—the votes cast of the House of Representatives for mr. Thomas, as reported, being 19—in all 23.

Those Senators who voted for mr. White, were:

Messrs. Ashe, Foster, Frey, Ledbetter, Motley, Nelson, and Powell, 7—the vote cast of the House of Representatives for mr. White, as reported, being 21—in all 28.

Those Senators who voted for mr Baxter, were:

Messrs. Bradbury, Jennings, Sevier, Warner, and Williams, 5—the votes cast of the House of Representatives for mr. Baxter, as reported, being 15—in all 20.

Those Senators who voted for mr. Jones, were:

Messrs. Johnson, Laughlin, Maclin, Matthews, Ross, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Jones being, as reported, 16—in all 22.

Those Senators who voted for mr. Haynes, were:

Messrs. Peyton, Reneau, and Waterhouse, 3—the votes cast of the House of Representatives for mr. Haynes, as reported, being 4—in all 7.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the Convention proceed in said election?

Being had, was determined in the affirmative.

The Convention then proceeded, *viva voce*, an eighth time to elect an Attorney General in the 8th Judicial Circuit.

Those Senators who voted for mr. Thomas, were:

Messrs. Gardner, Hardwicke, Martin, Miller, Powell, and Warner, 6—the votes cast of the House of Representatives for mr. Thomas, as reported, being 20—in all 26.

Those Senators who voted for mr. White, were:

Messrs. Ashe, Foster, Frey, Ledbetter, and Motley, 5—the votes cast of the House of Representatives for mr. White, as reported, being 14—in all 19.

Those Senators who voted for mr. Baxter, were:

Messrs. Bradbury, Sevier, and Williams, 3—the votes cast of the House of Representatives for mr. Baxter, as reported, being 17—in all 20.

Those Senators who voted for mr. Jones, were:

Messrs. Johnson, Laughlin, Maclin, Matthews, Ross, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Jones as reported, being 19—in all 25.

Those Senators who voted for mr. Haynes, were:

Messrs. Nelson, Peyton, Reneau, and Waterhouse, 4—the votes cast of the House of Representatives for mr. Haynes, as reported, being 2—in all 6.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

The convention then proceeded *viva voce*, a ninth time to elect an Attorney General for the 8th Judicial circuit.

Shall the convention proceed in said election?

Was had, and determined in the affirmative.

Those Senators who voted for mr. Thomas, were:

Messrs. Gardner, Hardwicke, Miller, and Warner, 4—the votes cast of the House of Representatives for mr. Thomas, as reported, being 19—in all 23.

Those Senators who voted for mr. White, were:

Messrs. Ashe, Foster, Frey, Ledbetter, Motley, Powell, and Reneau, 7—the vote cast of the House of Representatives for mr. White, as reported, being 12—in all 19.

Those Senators who voted for mr. Baxter, were:

Messrs. Bradbury, Nelson, Sevier, and Williams, 4—the votes cast of the House of Representatives for mr. Baxter, as reported, being 24—in all 28.

Those Senators who voted for mr. Jones, were:

Messrs. Johnson, Laughlin, Maclin, Matthews, and Ross, 5—the votes cast of the House of Representatives for mr. Jones, as reported, being 17—in all 24.

Those Senators who voted for mr. Haynes, were:

Messrs. Jennings, Martin, Peyton, Waterhouse, and Speaker Turney, 5—the votes cast of the House of Representatives for mr. Haynes, as reported, being 3—in all 8.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was determined in the affirmative.

The convention proceeded, *viva voce*, a tenth time, to elect an Attorney General for the 8th Judicial Circuit?

Those Senators who voted for mr. Thomas, were:

Messsr. Gardner, Hardwicke, Maclin, and Miller, 4—the votes cast of the House of Representatives for mr. Thomas, as reported, being 18—in all 22.

Those Senators who voted for mr. White, were:

Messrs. Frey, and Powell, 2—the votes cast of the House of Representatives for mr. White, as reported, being 3—in all 5.

Those Senators who voted for mr. Baxter, were:

Messrs. Ashe, Bradbury, Foster, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, Warner, and Williams, 11—the votes cast of the House of Representatives for mr. Baxter, as reported, being 32—in all 43.

Those Senators who voted for mr. Jones, were:

Messrs. Johnson, Laughlin, Maclin, Matthews, Ross, and Speaker Turney, 6—the votes cast of the House of Representatives for mr. Jones, as reported, being 22—in all 28.

Those Senators who voted for mr. Haynes, were:

Messrs. Peyton, and Waterhouse, 2.

Mr. White was then withdrawn.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, an eleventh time, to elect an Attorney General for the 8th Judicial Circuit.

Those Senators who voted for mr. Thomas, were:

Messrs. Hardwicke, and Martin, 2—the votes cast of the House of Representatives for mr. Thomas, as reported, being 20—in all 22.

Those Senators who voted for mr. Baxter were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Warner and Williams, 13—the votes cast of the House of Representatives for mr. Baxter as reported being 34—in all 47.

Those Senators who voted for mr. Jones were:

Messrs. Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse and Speaker Turney, 10—the votes cast of the House of Representatives for mr. Jones being 19—in all 29.

The votes cast of the House of Representatives for mr. Haynes as reported, 2.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, a twelfth time, to elect an Attorney General for the 8th Judicial circuit.

Those Senators who voted for mr. Thomas were:

Messrs. Hardwicke, Martin, Matthews and Miller, 4—the votes cast of the House of Representatives for mr. Thomas as reported being 20—in all 24.

Those Senators who voted for mr. Baxter were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams, 12—the votes cast of the House of Representatives for mr. Baxter as reported being 32—in all 44.

Those Senators who voted for mr. Jones were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Powell, Ross, Waterhouse and Speaker Turney, 8—the votes of the House of Representatives for mr. Jones as reported being 29.

The votes of the House of Representatives for mr. Haynes 3.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed in said election?

Being had and determined in the affirmative, the convention proceeded, *viva voce*, a thirteenth time to elect an Attorney General for the 8th Judicial Circuit.

Those Senators who voted for mr. Thomas were:

Messrs. Gardner, Hardwicke, Martin, Matthews and Miller, 5—the votes cast of the House of Representatives for mr. Thomas as reported being 20—in all 25.

Those Senators who voted for mr. Baxter were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Warner and Williams, 13—the votes cast of the House of Representatives for mr. Baxter as reported being 32—in all 45.

Those Senators who voted for mr. Jones were:

Messrs. Johnson, Laughlin, Maclin, Powell, Ross, Waterhouse and Speaker Turney, 7—the votes cast of the House of Representatives for mr. Jones being 19—in all 26.

The votes cast of the House of Representatives for mr. Haynes as reported being 4.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention proceed in said election?

Which was determined in the affirmative.

The convention proceeded, *viva voce*, a fourteenth time, to elect an Attorney General for the 8th Judicial Circuit.

Those Senators who voted for mr. Thomas were:

Messrs. Gardner, Hardwicke, Martin, Matthews and Miller, 5—the votes cast of the House of Representatives for mr. Thomas as reported being 19—in all 24.

Those Senators who voted for mr. Baxter were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Warner, Williams and Speaker Turney, 14—the votes cast of the House of Representatives for mr. Baxter as reported being 37—in all 51.

Those Senators who voted for mr. Jones were:

Messrs. Johnson, Laughlin, Maclin, Ross and Waterhouse, 5—the votes of the House of Representatives for mr. Jones as reported being 17—in all 22.

And it appeared from the report of the tellers that Nathaniel Baxter, Esq., received a majority of all the votes cast in said convention, he having received fifty-one.

It was thereupon declared by the Speaker of the Senate, that Nathaniel Baxter is elected Attorney General for the 8th judicial circuit of the State of Tennessee, for six years from this day.

The convention then rose.

Mr. Speaker Turney and gentlemen of the Senate returned to their own Chamber, and resumed their session.

When on motion of mr. Williams,

The Senate adjourned until Monday morning 9 o'clock.

MONDAY, Nov. 8, 1841.

A message from the House of Representatives by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the Senate's resolution relating to the appointment of a public printer, and have adopted the following in lieu of said resolution, to-wit:

Resolved, by the General Assembly of the State of Tennessee, That A. M. Roseborough, Donald Cameron, James Williams and E. G. Eastman be, and they are hereby appointed and employed to execute the printing of the acts and journals of the twenty-fourth General Assembly of the State of Tennessee, and the Reports of the Supreme court at 73 cents per 1000 ems composition, and 73 cents per token press-work, (fifty per cent. to be added for rule or figure work in composition, and one hundred per cent. for rule and figure work combined,) the binder's bill for folding and stitching, &c., and the manufacturer's bill for paper, (with ten per cent. added for wastage,) to be added to and rendered in the printer's bill.

Resolved, That the said A. M. Roseborough, Donald Cameron, Jas. Williams and E. G. Eastman enter upon the execution of the foregoing public work, as soon as they give bonds for its faithful performance according to law.

In which amendment the House of Representatives asks the concurrence of the Senate.

I am also directed to transmit to the Senate the following petitions, to wit:

A petition from Lewis, a man of color, and sundry citizens of Claiborne county, praying that said Lewis be permitted to remain in the State, on giving bond and security, &c.

A petition of 57 citizens of Bedford county, praying that the Legislature do not repeal the tippling act.

And then he withdrew.

Mr. Warner presented a petition of sixty-six citizens of Bedford county, instructing their Senators and Representatives against a repeal of the tippling law.

Which being read, was ordered to be transmitted to the House of Representatives.

Mr. Ashe presented the petition of 316 citizens of Madison county, praying a repeal of the tippling act, passed 1838.

Which being read, was on motion of mr. Ashe, transmitted to the House of Representatives.

Mr. Jennings introduced

A bill making appropriations for the payment of certain claims against the Lunatic Asylum.

Which was read a first time and passed.

Mr. Turney introduced

A bill to establish the ——— judicial circuit, and for other purposes.

Which was read a first time and passed.

On motion of mr. Laughlin,

Said bill was referred to the committee on the judiciary.

The Senate, on motion of mr. Laughlin, took up the consideration of

A bill to incorporate the inhabitants of the town of Hillsborough, in the county of Coffee.

Which bill was read a first time and passed.

The Senate, on motion of mr. Miller, took up the consideration of

A bill to consolidate the funds, and to provide for but one, instead of two separate classes of common schools in the Hiwassee and Ocoee districts in the State of Tennessee.

Which was read a third and last time.

The question,

Shall said bill pass?

Was had and determined in the affirmative—ayes, 18—nays, 00.

The ayes and nays being demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Matthews, Miller, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, Williams, and mr. Speaker Turney—18.

Nays—None.

And so said bill passed on its third and last reading, was ordered to be engrossed, and transmitted to the House of Representatives.

Mr. Turney introduced

A bill to regulate the fees of Clerks and Masters, and to prevent the

chancellors from making any allowance other than the fees fixed by law."

Which bill was read a first time and passed.

On motion of mr. Gardner,

Said bill was referred to the committee on the judiciary.

On motion of mr. Nelson,

The Senate took up the consideration of the message from the House of Representatives, relating to the appointment of public printer, in which the House of Representatives have adopted an amendment in lieu of the Resolution of the Senate relating to the public printing, changing the terms of the contract touching the execution thereof, as proposed in the resolution of the Senate, to which amendment the House of Representatives asks the concurrence of the Senate, which being read, the question, will the Senate concur in the amendment made by the House of Representatives to the resolution of the Senate relating to the public printing?

When mr. Jennings submitted the following in lieu of the amendment made by the House of Representatives to said resolution of the Senate relating to the public printing:

Resolved, That F. Bang & Co. be employed to execute the printing of the acts and journals of this General Assembly, and the reports of the decisions of the Supreme court, at 62½ cents per 1,000 ems, for composition, and 62½ cents per token for press work, with the addition of 50 per cent for rule or figure work, and 100 per cent for rule and figure work, the binders bill to be added, and 10 per cent on the cost of paper to cover waste—and that they proceed to the execution of said work, upon their giving bond and security for the faithful performance of the same.

Mr. Jennings moved that the names of A. M. Roseborough, Donald Cameron, James Williams, and E. G. Eastman, by said amended resolution appointed printers to the General Assembly, and publishers of the decisions of the Supreme Court be stricken out, and the names of F. Bang & Co. inserted in lieu thereof, upon the terms proposed by said company—

When the Speaker declared that the proceeding and motion of mr. Jennings was out of order—from which decision mr. Jennings appealed to the Senate.

The sense of the Senate being had thereon, the decree of the Speaker was sustained,

And said amendment, and motion to insert, in lieu of the amendment of the House of Representatives to the resolution of the Senate was rejected.

The question then recurred on the concurrence in the amendment adopted by the House of Representatives in lieu of the Senate's resolution relating to the appointment of public printer.

Which being considered, the Senate concurs therein.

Ordered, That the Clerk acquaint the House of Representatives therewith.

On motion of mr. Jennings,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of mr. Nelson, took up the consideration of

A bill to change the time of holding the Circuit Courts in the 2d judicial circuit of the State of Tennessee.

Which bill was read a second time and passed; also,

A bill to increase the number of Trustees of the Knoxville Female Academy.

Which bill was read a second time and passed.

Mr. Gardner introduced

A bill to amend the act of 1817, chapter 65, sec. 4, fixing the compensation of Attorney Generals in this State.

Which bill was read a first time and passed.

The Senate took up the consideration of

A bill to secure the solvency of the State, and to provide for the investigation of accounts of certain officers before election.

Which bill was read a second time and passed.

The Senate, on motion of mr. Johnson, took up the consideration of

A bill from the House of Representatives giving further time for making surveys and obtaining grants on entries heretofore made,

Was read a second time,

When mr. Johnson asked and obtained leave to withdraw said bill for amendment.

On motion of mr. Gardner,

Mr. Reneau was added to the committee on Agriculture and Manufactures.

On motion of mr. Nelson,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, Nov. 9, 1841.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have read and considered the amendment of the Senate to the bill of the House of Representatives, to appoint commissioners to settle the business of the late board of common school commissioners of Sevier county and they concur in said amendment of the Senate.

The House has also considered the resolution of the Senate relative to the defalcation of E. W. Dale, late cashier of the Branch Bank of Tennessee, at Columbia, have amended said resolution by striking out a portion thereof and adding additional matter thereto. In which amendment the House of Representatives asks the concurrence of the Senate.

The House of Representatives have adopted a resolution relative to certain frauds, charged to have been perpetrated against the State by the President of the Pelham and Jasper Turnpike company—in which they ask the concurrence of the Senate.

And then he withdrew.

The Senate, on motion of mr. Laughlin, took up the consideration of the message from the House of Representatives, relative to certain frauds alledged to have been committed against the State by G. W. Thompson, President of the Pelham and Jasper Turnpike company, and directory to the Attorney General for the 13th judicial circuit.

Which being read, Mr. Waterhouse moved to amend the resolution in said message mentioned, by striking out the words:

"Whereas information has been received that frauds are being practised upon the State by G. W. Thompson, President of the Pelham and Jasper Turnpike company: Therefore be it."

Which being considered said motion was sustained.

Mr. Laughlin moved further to amend said resolution by striking out the words, "this matter and make report thereof to the Attorney General for the State of Tennessee," and by adding thereto the following words, to-wit: "the condition and proceedings of the Pelham and Jasper Turnpike company, and whether the State has been, or is likely to be defrauded by the operations of the same and of the facts connected with the payments of stock on the part of the Stockholders, by which said bonds were procured to be issued, and whether any money was *bona fide* paid, and if any, how much; and the said Attorney General is hereby empowered to send for persons, books and papers, and to take the deposition of witnesses, to be sworn to before any judge or justice of the peace in this State; and that he also take proof of the fact whether the stockholders, or president and directors of said company have at any time by vote, determined to surrender their charter—and any amount of State bonds which may have issued to them, and if so determined, proof of the reasons why said surrenders have not been made."

And said resolution as amended was concurred in.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence in said amendment.

Mr. Nelson moved to take up two resolutions, proposing that the Senate meet the House of Representatives in the Representative Hall, for the purpose of electing two Senators to the Congress of the United States from the State of Tennessee.

And the question,

Will the Senate take up the consideration of said resolutions?

Being had, was determined in the negative—ayes, 9—nays, 10.

The ayes and nays being demanded by mr. Nelson,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Motley, Nelson, Reneau, Sevier, and Williams—9.

Those who voted in the negative were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, and Speaker Turney, 10.

So said motion to take up said resolutions was rejected.

Mr. Williams introduced

A bill for the encouragement of Agriculture and Domestic Manufactures.

Which bill was read a first time and passed, and on motion of mr.

Williams, was referred to the committee on Agriculture and Manufactures.

Mr. Williams submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the committee on Agriculture and Manufactures be instructed to enquire into the expediency of procuring a thorough geological and agricultural survey of this State, or of abolishing entirely the office of Geologist of the State, and to report by bill or otherwise.

Which being read,

On motion of mr. Williams,

The rule requiring resolutions to lie over one day was suspended, and said resolution was adopted.

Mr. Williams moved that the committee on new counties and county lines, to whom had been referred

A bill to alter the county line between the counties of Knox and Grainger,

From the further consideration thereof be discharged.

Which motion prevailed.

The Senate took up the consideration of

A bill to alter the county line between the counties of Knox and Grainger.

Which was read a third and last time and passed—and ordered to be engrossed and transmitted to the House of Representatives.

Mr. Foster moved that fifty copies of the report and tabular statement submitted by the Secretary of State, exhibiting the number of free white male inhabitants of the age of twenty-one years and upwards, residing in the several counties within the State of Tennessee, taken in conformity with the provisions of an act of Assembly, passed 29th January, 1840, be printed for the use of the Senate.

Which motion prevailed.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker: The House of Representatives took up and read a petition of 73 citizens of Hardeman and Fayette counties, against the repeal of the Tippling act.

Also, the petition of 102 citizens of Hardeman county praying the repeal of the Tippling law.

Also, the petition of citizens of Robertson county, praying that a law may be passed for the encouragement of the culture of silk—which I am directed to transmit to the Senate.

And then he withdrew.

The Senate took up, on motion of mr. Frey, a message from the House of Representatives transmitting a petition of citizens of Robertson county, praying that a law may be passed to promote the culture of silk in the State of Tennessee.

Which being read and considered,

On motion of mr. Frey,

Was referred to the committee on Agriculture and Manufactures.

The Senate, on motion of mr. Nelson, took up the consideration of

A bill to increase the number of Trustees of the Knoxville Female Academy.

Which was read a third and last time and passed.

Ordered to be engrossed and transmitted to the House of Representatives.

Mr. Foster presented a communication from Thomas Park, Esq., and others, of the town of Franklin, in Williamson county, asking for the incorporation of a company for the purpose of carrying on the manufactory of Silk, under certain limitations and restrictions therein mentioned.

Which being read, was,

On motion of mr. Foster,

Referred to the committee on Agriculture and Manufactures.

Mr. Turney introduced

A bill to authorise the State Bank and Branches to renew all notes of two hundred dollars and under, by calling ten per cent. semi-annually.

Which was read a first time and passed.

The Senate took up

A bill to incorporate the inhabitants of the town of Hillsboro', in the county of Coffee.

Which was read a third and last time and passed.

Was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to amend the act of 1817, chap. 65, sec. 4, fixing the compensation of Attorneys General in this State.

Which was read a second time and passed.

Mr. Williams asked and obtained leave to withdraw said bill for amendment.

The Senate took up the consideration of

A bill making appropriations for the payment of certain claims against the Lunatic Asylum.

Which, on motion of mr. Reneau, was laid on the table.

The Senate took up the consideration of

A bill from the House of Representatives, to change the time of holding the Circuit Courts of DeKalb county.

Which was read a first time and passed.

The Senate, on motion of mr. Foster, took up the consideration of

A bill to secure the revenue of the State and to provide for the settlement of the accounts of certain officers therein named, before election.

Which was read a third and last time and passed—yeas, 20—nays, none.

The ayes and noes being demanded,

Those who voted in the affirmative, were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin Matthews, Miller, Motley, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, Williams, and Speaker Turney —20. Nays, none.

And so said bill was passed on its third and last reading,

And ordered to be engrossed and transmitted to the House of Representatives.

Mr. Gardner submitted the following:

Resolved by the Senate of the General Assembly of the State of Tennessee, That a select committee, to consist of four members, one from each of the Chancery Divisions of this State, be appointed by the Speaker, to take into consideration the comparative amount of judicial labor now required to be performed by each of the Chancellors of this State under the existing laws, with a view to equalize the duties and labors of said Chancellors as nearly as practicable—and that said committee have leave to report by bill or otherwise.

Which being read,

On motion of mr. Gardner,

The rule requiring said resolution to lie over one day was suspended, and said resolution adopted.

The Speaker of the Senate then appointed Messrs. Gardner, Foster, Laughlin, and Nelson of said committee.

This being the day appointed for the examination of the financial condition and resources of the Banks of the city, and requiring the absence of Senators,

Mr. Sevier moved that the Senate adjourn until to-morrow morning, 9 o'clock.

Which motion prevailed.

WEDNESDAY, Nov. 10, 1841.

Mr. Laughlin presented a communication from the President and Directors of the Bank of the State, responsive to a resolution heretofore adopted by the Senate, directory to said President and provided for by law.

Which being read,

Mr. Laughlin asked and obtained leave to withdraw said resolution for amendment.

Mr. Laughlin submitted the following amendment to the resolution by him submitted on the 30th ultimo, relating to the employment of an additional clerk in the Bank of the State, to wit:

"For the transaction of business within doors, or in necessary exigencies out of doors."

Which amendment being read, was, with said communication, laid on the table.

Mr. Reneau submitted the following:

Resolved, That the two Houses of the General Assembly will meet in convention on Saturday the 20th instant, for the purpose of electing two Senators to Congress—one to serve six years from the fourth of March last, and the other to serve out the balance of the unexpired term of the Hon. Felix Grundy, deceased.

Which being read, was ordered to the table.

Mr. Reneau introduced

A bill to encourage domestic manufactories.

Which was read a first time and passed.

On motion of mr. Reneau,

Said bill was referred to the committee on Agriculture and Manufactures.

Mr. Foster introduced

A bill to amend the act of 1801, chapter 6.

Which was read a first time and passed.

Mr. Bradbury introduced

A bill to provide for the issuance of duplicate Treasury warrants, in certain cases.

Which was read a first time and passed.

Mr. Laughlin introduced

A bill to amend an act entitled an act to regulate the salaries of the officers of the Bank of Tennessee and Branches," passed January 28, 1840.

Which bill was read a first time and passed.

Mr. Laughlin moved a re-consideration of the amendment made to the resolution of the House ot Representatives by the Senate, and the concurrence of the Senate therein as amended, directory to the Attorney General of the 13th District—also relating to the acts of the Pelham and Jasper Turnpike Company.

Which motion prevailing, mr. Laughlin then offered the following amendment to said resolution, to wit:

"And said Attorney General shall report his proceedings in the premises to the Attorney General for the State."

Which being read and considered, was adopted and concurred with as amended.

Ordered, that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

MR. SPEAKER: The Speaker of the House of Representatives did this day sign an enrolled act, entitled

An act giving further time for obtaining grants in the Hiwassee and Ocoee Districts.

And then he withdrew.

Whereupon, the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

The Senate, on motion of mr. Ledbetter, took up the consideration of "A bill incorporating the Union University of Tennessee," on its third and last reading.

Mr. Foster offered the following amendment to the first section of said bill, to be inserted after the word "dollars," occurring at the end of the sentence limiting the yearly value of the real estate which may be held and used by said University:

"And provided also, the principal and interest of which fund shall be used and applied to the promotion of education and to no other purpose."

Which amendment being read and considered, and the sense of the Senate had thereon, said amendment was adopted.

Mr. Foster offered the further amendment to be added at the end of the first section of said bill:

"And, *Provided*, said donation shall not be contrary to the laws of the land."

Which amendment being read and considered, was adopted.

Mr. Williams offered the following amendment to the second section of said bill:

"That upon the death, or refusal to act, removal, or resignation of any trustee, the vacancy shall be filled by the next succeeding Legislature after such vacancy shall have occurred."

Which being read, mr. Ledbetter moved to lay said amendment on the table; which motion prevailed.

Mr. Gardner moved to amend said bill by striking out all the provisions therein contained, excepting the property and estate of said University from taxation.

When, on motion of mr. Foster,

Said bill and amendment offered by mr. Gardner, was laid on the table.

The Senate then took a recess preparatory to meeting the House of Representatives in their Hall, to elect an Attorney General for the 11th judicial circuit.

The Speaker of the Senate called the Senate to order.

A message from the House of Representatives by mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives is now ready to receive the Senate in their Hall, for the purpose of going into the election of an Attorney General for the 11th Judicial circuit.

And then he withdrew.

Whereupon, mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives.

Mr. Speaker Turney of the Senate, and mr. Speaker Douglass of the House of Representatives, in the Chair.

The roll of the Senate being called, all the members of the Senate were present answering.

The roll of the House of Representatives being called, seventy-five gentlemen of the House answered, being present.

The Speaker of the House of Representatives directed that the resolution adopted by the House of Representatives, and concurred in by the Senate, creating the present convention, for the purpose of electing an Attorney General for the 11th Judicial circuit be read; which being done,

The Speaker of the House of Representatives announced that nominations to said office were now in order.

Whereupon, E. W. King, John P. Caruthers, Thomas Rivers, Wm. K. Greer, ——— Poston and Wm. Blythe, were put in nomination as candidates for said office.

The convention then proceeded, *viva voce*, to elect an Attorney General for the 11th Judicial circuit.

Those Senators who voted for mr. King were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews,

Miller, Powell, Ross and Warner, 10—the votes cast of the House of Representatives for mr. King as reported being 24—in all 34.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Ledbetter and Nelson, 3—the votes cast of the House of Representatives for mr. Caruthers as reported being 14—in all 17.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Jennings, Laughlin and Reneau, 4—the votes cast of the House of Representatives for mr. Rivers as reported being 10—in all 14.

Those Senators who voted for mr. Greer were:

Messrs. Sevier, Waterhouse and Williams, 3—the votes cast of the House of Representatives for mr. Greer as reported being 15—in all 18.

Those Senators who voted for mr. Blythe were:

Messrs. Foster, Motley, Peyton and Speaker Turney, 4—the votes cast of the House of Representatives for mr. Blythe as reported being 9—in all 13.

Senator Frey voting for mr. Poston—the votes cast of the House of Representatives for mr. Poston being 3—in all 4.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed in said election?

Being had and determined in the affirmative, the convention proceeded, *viva voce*, a second time, to elect an Attorney General for the 11th Judicial Circuit.

Those Senators who voted for mr. King were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross and Warner, 10—the votes cast of the House of Representatives for mr. King being 23—in all 33.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Ledbetter and Nelson, 3—the votes cast of the House of Representatives for mr. Caruthers as reported being 15—in all 18.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Jennings and Laughlin, 3—the votes cast of the House of Representatives for mr. Rivers as reported being 11—in all 14.

Those Senators who voted for mr. Greer were:

Messrs. Reneau, Sevier, Waterhouse and Williams, 4—the votes cast of the House of Representatives for mr. Greer as reported being 14—in all 18.

Those Senators who voted for mr. Blythe were:

Messrs. Foster, Motley, Peyton and Speaker Turney, 4—the votes cast of the House of Representatives for mr. Blythe as reported being 9—in all 13.

Senator Frey voting for mr. Poston—the votes cast of the House of Representatives for mr. Poston as reported being 3—in all 4.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, a third time, to elect an Attorney General for the 11th Judicial circuit.

Those Senators who voted for mr. King were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, Ross and Warner, 9—the votes cast of the House of Representatives for mr. King being 25—in all 34.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Ledbetter, Nelson and Williams, 4—the votes cast of the House of Representatives for mr. Caruthers as reported being 16—in all 20.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Jennings and Laughlin, 3—the votes cast of the House of Representatives for mr. Rivers as reported being 10—in all 13.

Those gentlemen of the Senate who voted for mr. Greer were:

Messrs. Martin, Sevier, Reneau and Waterhouse, 4—the votes cast of the House of Representatives for mr. Greer as reported being 11—in all 15.

Those Senators who voted for mr. Blythe were:

Messrs. Foster, Motley, Peyton and Speaker Turney, 4—the votes cast of the House of Representatives for mr. Blythe as reported being 9—in all 13.

Senator Frey voting for mr. Poston: the votes cast of the House of Representatives for mr. Poston as reported being 4: in all 5.

Mr. Poston was then withdrawn.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, a fourth time, to elect an Attorney General for the 11th Judicial Circuit.

Those Senators who voted for mr. King were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, Ross and Warner, 9: the votes cast of the House of Representatives for mr. King as reported being 20: in all 29.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Ledbetter, Nelson and Williams, 4: the votes cast of the House of Representatives for mr. Caruthers as reported being 17: in all 24.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Frey, Jennings, Laughlin and Speaker Turney, 5: the votes cast of the House of Representatives for mr. Rivers as reported being 10: in all 15.

Those Senators who voted for mr. Greer were:

Messrs. Martin, Reneau, Sevier and Waterhouse, 4: the votes cast of the House of Representatives for mr. Greer as reported being 17: in all 21.

Those Senators who voted for mr. Blythe were:

Messrs. Foster, Motley and Peyton, 3: the votes cast of the House of Representatives for mr. Blythe as reported being 10: in all 13.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Will the convention now proceed in said election?

Which being determined in the affirmative,

The convention proceeded a fifth time, *viva voce*, to elect an Attorney General in the 11th Judicial Circuit.

Those Senators who voted for mr. King were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross and Warner, 10: the votes cast of the House of Representatives for mr. King as reported being 28: in all 38.

Those gentlemen of the Senate who voted for mr. Caruthers were:

Messrs. Foster, Frey, Ledbetter, Nelson and Williams, 5: the votes cast of the House of Representatives for mr. Caruthers as reported being 17: in all 22.

Those gentlemen of the Senate who voted for mr. Rivers were:

Messrs. Ashe, Bradbury, Jennings, Laughlin and Speaker Turney, 5: the votes cast of the House of Representatives for mr. Rivers as reported being 9: in all 14.

Those Senators who voted for mr. Greer were:

Messrs. Reneau, Sevier and Waterhouse, 3: the votes cast of the House of Representatives for mr. Greer as reported being 11: in all 14.

Those Senators who voted for mr. Blythe were:

Messrs. Motley and Peyton, 2: the votes cast of the House of Representatives for mr. Blythe as reported being 10: in all 12.

Neither of said candidates having received a majority of the whole number of votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed in said election?

Which being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, a sixth time, to elect an Attorney General for the 11th Judicial Circuit.

Those Senators who voted for mr. King were:

Messrs. Johnson, Maclin, Martin, Matthews, Miller, Powell and Warner, 7: the votes cast of the House of Representatives for mr. King as reported being 25: in all 32.

Those Senators who voted for mr. Caruthers were:

Messrs. Ledbetter, Nelson and Williams, 3: the votes cast of the House of Representatives for mr. Caruthers as reported being 16: in all 19.

Those Senators who voted for mr. Rivers were:

Messrs. Ashe, Bradbury, Jennings, Laughlin, Reneau and Speaker Turney, 6: the votes cast of the House of Representatives for mr. Rivers as reported being 9: in all 15.

Those Senators who voted for mr. Greer were:

Messrs. Gardner, Hardwicke, Ross, Sevier and Waterhouse, 4: the

votes cast of the House of Representatives for mr. Greer as reported being 10: in all 14.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Shall the convention proceed in said election?

Which was determined in the affirmative.

The convention proceeded, *viva voce*, a seventh time, to elect an Attorney General for the 11th Judicial circuit.

Those Senators who voted for mr. King were:

Messrs. Johnson, Maclin, Matthews, Powell and Warner, 5: the votes cast of the House of Representatives for mr. King as reported being 19: in all 24.

Those Senators who voted for mr. Caruthers were:

Messrs. Ledbetter, Miller and Nelson, 3: the votes cast of the House of Representatives for mr. Caruthers as reported being 19: in all 22.

Those Senators who voted for mr. Rivers were:

Messrs. Ashe, Bradbury, Jennings, Laughlin and Reneau, 5: the votes cast of the House of Representatives for mr. Rivers as reported being 10: in all 15.

Those Senators who voted for mr. Greer were:

Messrs. Frey, Gardner, Hardwicke, Martin, Ross, Sevier and Waterhouse,7: the votes cast of the House of Representatives for mr. Greer as reported being 18: in all 25.

Those Senators who voted for mr. Blythe were:

Messrs. Foster, Peyton, Williams and Speaker Turney, 4: the votes cast of the House of Representatives for mr. Blythe as reported being 9: in all 13.

Neither of the candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question,

Will the convention proceed in said election?

Which being determined in the affirmative, the convention proceeded *viva voce*, an eighth time, in the election of an Attorney General for the 11th Judicial circuit.

Those Senators who voted for mr. King were:

Messrs. Johnson, Maclin, Matthews, Miller, Powell, and Warner, 6 the votes cast of the House of Representatives for mr. King, as reported being 21—in all 27.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Foster, Ledbetter, and Nelson, 4—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 20—in all 24.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Jennings, Laughlin, and Reneau, 4—the votes cast of the House of Representatives for mr. Rivers, as reported, being 9—in all 13.

Those Senators who voted for mr. Greer were:

Messrs. Frey, Gardner, Hardwicke, Martin, Ross, Sevier and Wa-

terhouse, 7—the votes cast of the House of Representatives for mr. Greer, as reported, being 16—in all 23.

Those Senators who voted for mr. Blythe were:

Messrs. Motley, Peyton, Williams, and Mr. Speaker Turney, 4 - the votes cast of the House of Representatives for mr. Blythe, as reported, being 9—in all 13.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and put the question:

Shall the convention proceed further in said election?

Which being determined in the affirmative,

The convention proceeded, *viva voce*, a ninth time to elect an Attorney General for the 8th Judicial Circuit.

Those Senators who voted for mr. King were:

Messrs. Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, and Warner, 7—the votes cast of the House of Representatives for mr. King, as reported, being 24—in all 31.

Those Senators who voted for mr. Caruthers, were:

Messrs. Foster, Frey, Ledbetter, and Reneau, 5—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 21—in all 26.

Those Senators who voted for mr. Rivers, were:

Messrs. Bradbury, Jennings, Laughlin, and mr. Speaker Turney, 4—the votes cast of the House of Representatives for mr. Rivers, as reported, being 9—in all 13.

Those Senators who voted for mr. Greer, were:

Messrs. Gardner, Martin, Ross, Sevier, and mr. Speaker Turney, 5—the votes cast of the House of Representatives for mr. Greer, as reported, being 12—in all 17.

Those Senators who voted for mr. Blythe, were:

Messrs. Motley, Nelson, Peyton, and Williams, 4—the votes cast of the House of Representatives for mr. Blythe, as reported, being 8—in all 12.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Which being determined in the affirmative,

The convention then adjourned to meet again in the Hall of the House of Representatives, on to-morrow morning at 9 o'clock.

THURSDAY, Nov. 11, 1841.

Mr. Speaker Turney of the Senate, mr. Speaker Douglass of the House of Representatives, in the chair in the Representative Hall.

The Speaker of the Senate ordered the roll of Senators to be called, when twenty-five Senators answered.

The roll of the House of Representatives being called by order of the Speaker of the House, when 75 Representatives answering,

The convention then proceeded *viva voce*, a tenth time to elect an Attorney General for the 11th Judicial circuit.

Those Senators who voted for mr. King were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Warner, and mr. Speaker Turney, 10—the votes cast of the House of Representatives for mr. King, as reported, being 27—in all 37.

Those Senators who voted for mr. Caruthers, were:

Messrs. Ashe, Foster, Frey, and Ledbetter, 4—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 18—in all 22.

Those Senators who voted for mr. Rivers, were:

Messrs. Bradbury, Jennings, Laughlin, Sevier, 4—the votes cast of the House of Representatives for mr. Rivers, as reported, being 9—in all 13.

Those Senators who voted for mr. Greer, were:

Messrs. Reneau, Ross, Waterhouse, and Williams, 4—the votes cast of the House of Representatives for mr. Greer, as reported, being 13—in all 17.

Those Senators who voted for mr. Blythe, were:

Messrs. Motley, Nelson, and Peyton, 3—the votes cast of the House of Representatives for mr. Blythe, as reported, being 8—in all 11.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, an eleventh time, to elect an Attorney General for the 11th Judicial Circuit?

Those Senators who voted for mr. King, were:

Messrs. Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, Ross, and Warner, 8—the votes cast of the House of Representatives for mr. King being, as reported, 25—in all 33.

Those Senators who voted for mr. Caruthers, were:

Messrs. Ashe, Foster, Frey, Ledbetter, Nelson, and Williams, 6—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 18—in all 24.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Jennings, Laughlin, and Sevier, 4—the votes cast of the House of Representatives for mr. Rivers as reported being 11—in all 15.

Those Senators who voted for mr. Greer were:

Messrs. Gardner, Maclin, Reneau, Waterhouse, 4—the votes cast of the House of Representatives for mr. Greer as reported being 9—in all 13.

Those Senators who voted for mr. Blythe were:

Messrs. Motley, Peyton, and Speaker Turney, 3—the votes cast of the House of Representatives for mr. Blythe, as reported, being 9—in all 12.

Neither of said candidates having a majority of all the votes cast

in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall said convention proceed in said election?

Being had, was determined in the affirmative.

The convention then proceeded, *viva voce*, a twelfth time to elect an Attorney General for the 11th judicial circuit.

Senators who voted for mr. King were:

Messrs. Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, and Warner, 7—the votes cast of the House of Representatives for mr. King, as reported, being 22—in all 29.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Foster, Frey, Ledbetter, Nelson, Reneau and Williams, 7: the votes cast of the House of Representatives for mr. Caruthers as reported being 23: in all 30.

Those Senators who voted for mr. Rivers were:

Messrs. Bradbury, Jennings, Laughlin, Sevier and Speaker Turney, 5: the votes cast of the House of Representatives for mr. Rivers as reported being 9: in all 14.

Those Senators who voted for mr. Greer were:

Messrs. Gardner, Martin, Ross and Waterhouse, 4: the votes cast of the House of Representatives for mr. Greer as reported being 12: in all 16.

Those Senators who voted for mr. Blythe were:

Messrs. Motley and Peyton, 2: the votes cast of the House of Representatives for mr. Blythe as reported being 9: in all 11.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was decided in the affirmative.

The convention proceeded, *viva voce*, a thirteenth time, to elect an Attorney General for the 11th Judicial Circuit.

Mr. Copeland, of the House of Representatives, re-nominated mr. Poston, a candidate for said office.

Those Senators who voted for mr. King were:

Messrs. Hardwicke, Johnson, Maclin, Matthews, Miller, Powell and Warner, 7: the votes cast of the House of Representatives for mr. King as reported being 18: in all 25.

Those Senators who voted for mr. Caruthers were:

Messrs. Ashe, Foster, Ledbetter, Nelson, Reneau and Williams, 6: the votes cast of the House of Representatives for mr. Caruthers as reported being 27: in all 33.

Those Senators voting for mr. Rivers, were:

Messrs. Jennings, Laughlin, and Sevier, 3—the votes cast of the House of Representatives for mr. Rivers, as reported, being 11—in all 10.

Those Senators who voted for mr. Greer, were:

Messrs. Gardner, Martin, Ross, and Waterhouse, 4—the votes cast of the House of Representatives for mr. Greer, as reported, being 11—in all 15.

Those Senators who voted for mr. Blythe, were:

Messrs. Motley, Peyton, and Speaker Turney, 3—the votes cast of the House of Representatives for mr. Blythe, as reported, being 7—in all 10.

Those Senators who voted for mr. Poston, were:

Messrs. Bradbury, and Frey, 2—the votes cast of the House of Representatives for mr. Poston, as reported, being 5—in all 7.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was determined in the affirmative.

The convention proceeded, *viva voce*, a fourteenth time, to elect an Attorney General for the 11th Judicial Circuit?

Those Senators who voted for mr King, were:

Messrs. Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, and Warner, 7—the votes cast of the House of Representatives for mr. King, as reported, being 18—in all 25.

Those Senators who voted for mr. Caruthers, were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Nelson, Reneau, Sevier, and Williams, 9—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 33—in all 42.

Those Senators who voted for mr. Rivers, were:

Messrs. Bradbury, Laughlin, and Speaker Turney, 3—the votes cast of the House of Representatives for mr. Rivers, as reported, being 3—in all 7.

Those Senators who voted for mr. Greer, were:

Messrs. Gardner, Martin, Ross, and Waterhouse, 4—the votes cast of the House of Representatives for mr. Greer, as reported, being 11—in all 15.

Those Senators who voted for mr. Blythe, were:

Messrs. Motley, and Peyton, 2—the votes cast of the House of Representatives for mr. Blythe, as reported, being 5—in all 7.

The votes cast of the House of Representatives for mr. Poston being 2.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the Convention proceed in said election?

Being had, was determined in the affirmative.

The Convention then proceeded, *viva voce*, a fifteenth time to elect an Attorney General in the 11th Judicial Circuit.

Those Senators who voted for mr. King, were:

Messrs. Hardwicke, Johnson, Maclin, Matthews, Miller, and Powell, 6—the votes cast of the House of Representatives for mr. King, as reported, being 20—in all 26.

Those Senators who voted for mr. Caruthers, were:

Messrs. Ashe, Foster, Frey, Ledbetter, Nelson, Reneau, Sevier, Warner, and Williams, 9—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 37—in all 46.

Those Senators who voted for mr. Rivers, were:

Messrs. Bradbury, Jennings, and Laughlin, 3—the votes cast of the House of Representatives for mr. Rivers being 4—in all 7.

Those Senators who voted for mr. Greer, were:

Messrs. Gardner, Martin, Ross, and Waterhouse, 4—the votes cast of the House of Representatives for mr. Greer, as reported, being 7—in all 11.

Those Senators who voted for mr. Blythe, were:

Messrs. Motley, Peyton, and Speaker Turney, 3—the votes cast of the House of Representatives for mr. Blythe, as reported, being 5—in all 8.

The House of Representatives casting one vote for mr. Poston, as reported.

Neither of said candidates having a majority of the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was determined in the affirmative.

The convention then proceeded, *viva voce,* a sixteenth time, to elect an Attorney General for the 11th Judicial Circuit.

Those Senators who voted for mr. King, were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, 10—the votes cast of the House of Representatives for mr. King, as reported, being 24—in all 34.

Those Senators who voted for mr. Caruthers, were:

Messrs. Ashe, Foster, Frey, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 10—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 38—in all 48.

Those Senators who voted for mr, Rivers, were:

Messrs. Bradbury, Jennings, Laughlin, and Speaker Turney, 4—the votes cast of the House of Representatives for mr. Rivers, as reported, being 4—in all 8.

Senator Martin voting for mr. Greer—the votes of the House of Representatives cast for mr. Greer being, as reported, 5—in all 6.

The votes of the House of Representatives cast for mr. Blythe, as reported, being 3.

Neither of the candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was determined in the affirmative, the Convention proceeded, *viva voce,* a seventeenth time in the election of an Attorney General for the 11th judicial circuit.

Those Senators who voted for mr. King, were:

Messrs. Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, 10—the votes cast of the House of Representatives for mr. King, as reported, being 27—in all 37.

Those Senators who voted for mr. Caruthers, were:

Messrs. Ashe, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 11—the votes cast of the House of Representatives for mr. Caruthers, as reported, being 38—in all 49.

Those Senators who voted for mr. Rivers, were:

Messrs. Bradbury, Laughlin, and Speaker Turney, 3—the votes cast of the House of Representatives for mr. Rivers, as reported, being 4—in all 7.

Senator Gardner voting for mr. Greer—the votes of the House of Representatives cast for mr. Greer, being 3—in all 4.

The votes cast of the House of Representatives for mr. Blythe being 2.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question,

Shall the convention proceed in said election?

Being had, was determined in the affirmative.

The convention proceeded, *viva voce*, the eighteenth time, to elect an Attorney General for the 11th Judicial Circuit.

Those Senators who voted for mr. King, were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, 11—the votes cast of the House of Representatives for mr. King, as reported, being 30—in all 41.

Those Senators who voted for John P. Caruthers, were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams, 12—the votes cast of the House of Representatives for mr. Caruthers, being 40—in all 52.

Those Senators who voted for mr. Rivers, were:

Messrs. Laughlin and Speaker Turney, 2—the votes cast of the House of Representatives for mr. Rivers, being 4—in all 6.

It appearing that John P. Caruthers had received 52 votes, which being a majority of all the votes cast in said convention, the Speaker of the Senate declared that John P. Caruthers was duly and constitutionally elected Attorney General for the 11th Judicial Circuit, for the full space and term of six years from the 15th October—the expiration of the term of the present incumbent.

On motion of mr. Hardwicke, the convention rose.

And mr. Speaker Turney and gentlemen of the Senate returned to their own Chamber and resumed their Session.

Mr. Foster presented the petition of 120 citizens of the counties of Williamson and Maury, praying the Legislature that the act of Assembly known by the name of the "Tippling Act," may remain in force, and be and remain unrepealed.

Also a petition of 100 ladies residing in the counties of Williamson and Maury, praying the General Assembly that the Tippling act remain unrepealed, and that additional restrictions and penalties be imposed upon persons retailing ardent spirits.

Which being read,

It was ordered, on motion of mr. Foster,

That said petitions be transmitted to the House of Representatives.

Mr. Laughlin submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the Hall of the House of Representatives, on Saturday the 13th instant, at 11 o'clock, A. M., for the purpose of electing a Treasurer of the State, and a Comptroller of the Treasury.

Which being read, was laid on the table.

The Senate, on motion of mr. Laughlin, took up the consideration of

A bill to amend an act entitled an act to regulate the salaries of the officers of the Bank of Tennessee and Branches, passed January 28th, 1840.

Which was read a second time and passed.

Mr. Reneau moved that the Senate take up a resolution by him submitted on yesterday, praying that the Senate meet the House of Representatives in their Hall on Saturday the 20th instant, for the purpose of electing two Senators to the Congress of the United States from the State of Tennessee.

A call of the Senate was demanded and had—and twenty-four Senators answered.

And the question, "will the Senate take up the consideration of said resolution?"

Being had, was determined in the negative—ayes 12—nays 12.

The ayes and noes being demanded, by mr. Reneau,

Those who voted in the affirmative, were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Ross, Waterhouse, Warner, and Speaker Turney —12.

And so said motion to take up said resolution was rejected.

Mr. Nelson submitted the following:

Resolved, That the Senate meet the House of Representatives in their Hall, on the 20th instant to elect a Senator in the Congress of the United States, to fill the vacancy occasioned by the death of the Honorable Felix Grundy, and to elect a Senator in the Congress of the United States for the term of six years, commencing with the fourth of March, 1841, to succeed the Honorable Hugh L. White.

Which being read, was ordered to lie on the table.

The Senate took up the consideration of

A bill to provide for the issuance of Duplicate Treasury Warrants in certain cases.

Which was read a second time and passed.

The Senate, on motion of mr. Ledbetter, took up the consideration of

A bill incorporating the Union University of Tennessee.

Mr. Gardner moved to amend said bill by striking out the 8th section.

Mr. Ledbetter moved to lay said bill, with the proposed amendment offered by mr. Gardner, on the table.

Which motion prevailed.

Senate took up the consideration of

A bill to amend the act of 1801, chap. 6.

Which bill was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, to change the time of holding the Circuit Courts of DeKalb county.

Which was read a second time and passed.

A. M. Caldwell, Engrossing Clerk to the Senate, asked and obtained leave of absence until Wednesday next.

Mr. Waterhouse moved that the committee on banks be discharged from the further consideration of

A bill to establish a Branch Bank of Tennessee at Chattanooga, in the county of Hamilton.

Which being considered by the Senate, said committee from the further consideration thereof is discharged.

The Senate, on motion of mr. Warner, took up the consideration of

A bill from the House of Representatives to change the time of holding the Chancery Courts in Lewisburg, Marshall county.

Which bill was read a second time and passed.

Mr. Ledbetter submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the committee on Banks be instructed to report a bill to discontinue the several branches of the bank of Tennessee, after the — day of — except one for East Tennessee, and one for the Western District.

Which being read was laid on the table.

On motion of mr. Martin,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, Nov. 12, 1841.

Mr. Ashe presented the petition of 90 citizens of the county of Shelby, praying that that portion of Shelby county in said petition set forth, be, by law, attached to the county of Tipton.

Which being read, was,

On motion of mr. Ashe,

Ordered to be transmitted to the House of Representatives.

Mr. Nelson moved that the Senate take up the consideration of a resolution, by him submitted on yesterday, to meet the House of Representatives at the Representative Hall on the 20th instant, for the purpose of electing two Senators in the Congress of the United States from the State of Tennessee.

Which motion prevailing—

A call of the Senate being demanded, which was had, twenty-two Senators answering—the question,

Shall the resolution proposing to meet the House of Representatives in the Representative Hall, on the 20th instant, to elect two Senators in the Congress of the United States, from the State of Tennessee?

Being had, was determined in the negative—ayes, 11—nays, 11.

The ayes and nays being demanded by mr. Nelson,

Those who voted in the affirmative were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—11.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Powell, Ross, Warner, and Speaker Turney, 11.

And so said motion to go into the election of two Senators was rejected.

The Senate, on motion of mr. Gardner, took up the consideration of

A bill to authorise Guardians in certain cases to expend more than interest on the estates of their wards, in their maintainance,"

Was read a third and last time—which bill, on motion of mr. Ledbetter, was indefinitely postponed.

The Senate took up the consideration of

A bill from the House of Representatives giving further time for making surveys and obtaining grants on entries heretofore made.

When mr. Johnson offered the following amendment to said bill, towit: "North and East of the Congressional line."

Which bill with the amendment was read a second time and passed.

Mr. Johnson introduced

A bill to amend an act entitled an act to distribute the Academy moneys, and for other purposes"—passed January 27th, 1840.

Which bill was read a first time and passed.

Mr. Hardwicke in the chair.

A message from the House of Representatives by Mr. Mitchell, their Clerk:

Mr. Speaker: The House of Representatives have taken up and considered the amendments of the Senate, to the resolution of the House directory to the Attorney General of the 13th Solicitorial District, in relation to the Pelham and Jasper Turnpike company; in which amendments the House of Representatives concur.

And then he withdrew.

The Senate, on motion of mr. Bradbury, took up the consideration of

A bill to provide for the issuance of treasury warrants in certain cases.

Which bill was, on motion of mr. Bradbury, referred to the committee on the Judiciary.

The Senate, on motion of mr. Laughlin, took up the consideration of

A bill to amend an act entitled an act to regulate the salaries of the officers of the Bank of Tennessee and branches, passed January 28, 1840.

Which bill was read a third and last time, and the question, shall said bill pass? being had, was determined in the affirmative—ayes, 18—nays, 7.

The ayes and nays being demanded by mr. Warner,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jen-

nings, Laughlin, Ledbetter, Maclin, Martin, Miller, Motley, Peyton, Reneau, Ross, Sevier, and Williams—18.

Those who voted in the negative were:

Messrs. Johnson, Matthews, Nelson, Powell, Waterhouse, Warner, and mr. Speaker Turney—7.

So said bill was passed on its third and last reading—and ordered to be engrossed and transmitted to the House of Representatives.

Mr. Laughlin introduced

A bill to regulate Banks and Banking in this State.

Which bill was read a first time and passed, and on motion of mr. Laughlin, said bill was referred to the committee on Banks.

The Senate, on motion of mr. Ledbetter, took up the consideration of

A bill incorporating the Union University of Tennessee,"

With the amendment offered by mr. Gardner to strike out the 8th section of said bill, which section is as follows:

Sec. 8. The funds that may at any time belong to said institution hereby incorporated, whether lands, buildings, or other rateable property, and being in this State, shall be exempt from taxation.

Which amendment being considered, the question,

Shall said amendment be made, by striking out the eighth section of said bill?

Being had was determined in the affirmative—yeas. 14—nays, 9.

The ayes and nays being demanded by mr. Ledbetter,

Those who voted in the affirmative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Nelson, Powell, Ross, Waterhouse, Warner, Williams, and mr. Speaker Turney, 14.

Those voting in the negative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Peyton, Reneau and Sevier—9.

So said amendment was adopted, by striking out the 8th section of said bill.

Mr. Johnson introduced the following amendment to said bill:

"*Be it further enacted*, That nothing in this act shall be so construed as to prevent any future legislature from altering, amending, modifying or repealing this charter, whenever, in the opinion of the Legislature the public good may require the same to be done."

Which being read, and the sense of the Senate thereon had, said amendment was adopted—ayes, 13—nays, 11.

The ayes and nays being demanded by mr. Ledbetter,

Those who voted in the affirmative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Williams —13.

Those who voted in the negative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson, Peyton, Reneau, Sevier, and Speaker Turney—11.

On motion of mr. Ledbetter,

Said bill with amendments were laid on the table.

On motion of mr. Turney,
The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Williams moved a re-consideration of the amendment to
A bill incorporating the Union University of Tennessee, offered by mr. Johnson, and adopted by the Senate, subjecting the charter of said institution to subsequent Legislatures, to alter, amend, modify or repeal the same.

Mr. Williams, who asked and obtained leave to withdraw for amendment,

A bill to amend the act of 1817, chap. 65, sec. 4, fixing the compensation of Attorneys General in this State,

Returned the same, and introduced the following amendment thereto, to wit:

Sec. 2. *Be it further enacted,* That whenever any judgment for any fine or costs shall be rendered in any court against any defendant upon any prosecution, under any of the statutes which may be in force, to discourage and suppress gaming, five dollars only shall be taxed in the bill of costs as a fee to the Attorney General, where the same shall be prosecuted to conviction; but in no case shall the county or State be liable for said fees, but shall only be collected off the delinquent defendant.

Which bill, with the amendment offered, being read,

Mr. Nelson asked and obtained leave to withdraw for further amendment.

The Senate took up the consideration of
A bill from the House of Representatives, to incorporate a literary institution in the town of Maryville, Blount county, to be styled the "Maryville College."

When, on motion of mr. Reneau,
Said bill was laid on the table.

The Senate took up the consideration of
A bill to amend the act of 1831, chap. 52, requiring the decisions of the Supreme court to be published.

Which being read, mr. Williams asked and obtained leave to withdraw said bill for amendment.

The Senate took up the consideration of
A bill from the House of Representatives, to charter the Sevier county Turnpike company.

Which bill, on motion of mr. Ledbetter, was laid on the table.

Mr. Laughlin introduced
A bill to incorporate the Caroline medicinal springs, in the county of Warren.

Which being read,

Mr. Johnson offered the following amendment:

Provided, That nothing herein contained shall be so construed as conferring any vested right, but may be repealed by any subsequent Legislature.

Which amendment being read, was adopted.

And said bill, as amended, was passed a first time.

The Senate took up the consideration of

A bill to amend the act of 1801, chap. 6.

Which was read a third and last time.

Mr. Gardner moved to amend said bill by striking out the second section thereof.

Which being considered, and the sense of the Senate thereon had, said motion to amend said bill by striking out the second section thereof, was rejected.

The question then recurred upon the passage of said bill.

Which being had, was determined in the affirmative: yeas 16, nays 6.

The ayes and noes being demanded,

Those who voted in the affirmative were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Williams and Speaker Turney, 16.

Those who voted in the negative were:

Messrs. Johnson, Ledbetter, Maclin, Martin, Waterhouse and Warner, 6.

So said bill passed its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill from the House of Representatives, to change the time o holding the Chancery courts in Lewisburg, Marshall county.

Which bill was, on motion of mr. Martin, laid on the table.

The Senate took up the consideration of

A bill from the House of Representatives to change the time of holding the Circuit courts of DeKalb county.

Which was read a third and last time.

And the question, Shall the bill pass?

Was had, and determined in the affirmative.

So said bill was passed a third and last time, and ordered to be transmitted to the House of Representatives for enrollment.

On motion of mr. Foster,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, Nov. 13, 1841.

Mr. Foster, chairman of the committee on the Judiciary, to whom had been referred the petition of citizens of Greene county, praying that Peter Kent be allowed to keep a public house, and to sell and retail spirituous liquors without a license, have had the same under consideration, and had directed him to report, that said petition was unreasonable, and ought not to be granted.

The question, Shall the prayer of the petitioner be granted?

Was determined in the negative.

Mr. Foster, from the same, to whom had been referred

A bill to regulate the fees of clerks and masters, and to prevent the chancellors from making any allowance other than the fees

fixed by law, reported, that the committee have had the same under consideration, and had instructed him to return said bill, and recommend the rejection thereof.

Which bill was, on motion of mr. Foster, laid on the table.

Mr. Foster, from the same, to whom was referred

A bill directory to clerks, witnesses and suitors, and to amend the law relative to witnesses attendance, reported, that the committee have had the same under consideration, and had instructed him to return the same with amendments, and to recommend its passage.

Which bill was read a second time and passed.

Mr. Hardwicke asked and obtained leave to withdraw for amendment,

A bill from the House of Representatives giving further time for making surveys and obtaining grants on entries heretofore made.

A message from the House of Representatives by mr. Mitchell, their clerk:

Mr. Speaker: I am directed to transmit to the Senate an enrolled resolution signed by the Speaker of the House of Representatives, directory to the Attorney General of the 13th judicial circuit, relating to the Pelham and Jasper Turnpike company.

Also, a petition of sundry citizens of Henderson county, remonstrating against a petition of sundry other citizens of said county, relating to *infant manufactories*, and other matters.

Also, a bill from the House of Representatives, to change the time of holding the Circuit courts for the 7th Judicial circuit, and the Chancery courts in Clarksville and Charlotte.

And then he withdrew.

Whereupon, the Speaker signed said enrolled resolution, and directed it to be transmitted to the House of Representatives.

Mr. Reneau submitted the following:

Resolved, That the Senate meet the House of Representatives in the Representative Hall, on Saturday, the *twentieth* instant, to elect a Senator to the Senate of the United States, to fill the vacancy occasioned by the death of the Hon. Felix Grundy, deceased. And also to elect one other Senator, to succeed the Hon. Hugh L. White, of East Tennessee, in the Senate of the United States, for six years from the fourth of March last.

Which being read,

On motion of mr. Reneau,

The rule requiring said resolution to lie over one day being suspended, mr. Reneau moved the adoption of said resolution, and demanded the ayes and noes; which being had, was determined in the negative —ayes 11, noes 12.

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson, Peyton, Reneau, Sevier and Williams, 11.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Powell, Ross, Waterhouse, Warner and Speaker Turney, 12.

And so said resolution was rejected.

The Senate then took up the re-consideration of the amendment offered by mr. Johnson to the bill incorporating the Union University of Tennessee.

Which being considered, was determined in the affirmative.

The question then recurred upon the adoption of the amendment offered by mr. Johnson.

Which was determined in the negative—ayes 11—nays 12.

Those who voted in the affirmative, were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Martin, Miller, Powell, Ross, Waterhouse, Warner, and Williams—11.

Those who voted in the negative were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Ledbetter, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—12.

So said amendment was rejected.

Said bill was read a third and last time.

The question then recurred upon the passage of said bill,

Which being had, was determined in the affirmative—ayes 14—nays 9.

The ayes and nays being demanded,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Nelson, Peyton, Reneau, Sevier, Williams, and mr. Speaker Turney—14.

Those who voted in the negative were:

Messrs. Gardner, Johnson, Maclin, Martin, Miller, Powell, Ross, Waterhouse, and Warner—9.

So said bill was passed on its third and last reading.

Ordered to be engrossed and transmitted to the House of Representatives.

The Senate then took up the consideration of

A bill from the House of Representatives to change the time of holding the Chancery Courts in Lewisburg, Marshall county.

Which was read a third and last time and passed.

Was ordered to be engrossed and transmitted to the House of Representatives for enrollment.

The Senate took up the consideration of

A bill to incorporate the Caroline Medicinal Springs, in Warren county.

Mr. Laughlin moved to amend said bill by inserting the words, "about six hundred and forty acres," after the words "large tract of land."

Which amendment being considered, was adopted.

Which bill, as amended, was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives to change the time of holding the Circuit Courts for the 7th Judicial District, and the Chancery Courts in Clarkesville and Charlotte.

Which was read a first time and passed.

The Senate took up the consideration of

A bill to amend an act entitled an act to distribute the Academy moneys, and for other purposes," passed 27th January, 1840.

Which was read a second time and passed.

The Senate took up the consideration of the message from the House of Representatives, transmitting a memorial of citizens of Hardeman county, remonstrating against a petition of sundry citizens of said county, heretofore submitted, in relation to the *manufacture* of children, reducing the fees upon marriage licenses, and other matters and things.

Which being read,

Was, on motion of mr. Martin, referred to the committee on Military Affairs.

The Senate took up the consideration of

A bill to establish a Branch of the Bank of Tennessee at Chattanooga, in Hamilton county.

Which bill was, on motion of mr. Williams, referred to the committee on Banks.

On motion of mr. Powell,

The Senate adjourned until Monday morning, 9 o'clock.

MONDAY, Nov. 15, 1841.

A message from the House of Representatives, by mr. Mitchell, their clerk,

Mr. Speaker: I am directed to transmit from the House of Representatives, a memorial of the Hiwassee Rail Road Company, and the report of the Commissioners appointed on the part of the State to examine said Rail Road—which was read in the House of Representatives.

Also, an engrossed bill to make legal all the official acts of James Ross, a Deputy Clerk of the County Court of Shelby county.

Also, an enrolled act to change the time of holding the Circuit Court of DeKalb county.

And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

The Senate took up the consideration of a message from the House of Representatives, transmitting the memorial of the Hiwassee Rail Road Company, and the Report of the Commissioners appointed on part of the State to examine and inspect said road.

Which being read, was,

On motion of mr. Maclin,

Laid on the table.

Mr. Johnson presented a petition from sundry citizens of Greene county, praying that a law be passed taking the collection of taxes out of the hands of Sheriffs, and authorising the Constables of each civil district to collect the same.

Which being read,

On motion of mr. Johnson,

Said petition was referred to the committee on Ways and Means.

Mr. Gardner presented a petition of 35 citizens of Weakley county, praying the Legislature to pass a law, extending encouragement to the culture of Silk.

Which being read, was,

On motion of mr. Gardner,

Referred to the committee on Agriculture and Manufactures.

Mr. Gardner introduced

A bill to encourage the culture of Silk in the State of Tennessee.

Which was read a first time and passed.

On motion of Mr. Gardner,

Was referred to the committee on Agriculture and Manufactures.

Mr. Waterhouse presented the petition of 87 citizens of Bledsoe county, praying that a law be passed regulating the calls upon notes discounted at the Bank of Tennessee and Branches to ten per cent.

Which being read, was,

On motion of mr. Waterhouse,

Referred to the committee on Banks.

Mr. Maclin presented the memorial of 76 citizens of Shelby county, praying that an Independent Bank, with a capital of five hundred thousand dollars, be established in the town of Fort Pickering, by the name and style of "the President, Directors and Company of the Bank of Fort Pickering."

Which being read, was,

On motion of mr. Maclin,

Ordered that the said memorial be referred to a select committee of three, with leave to report by bill or otherwise.

The Speaker of the Senate appointed Messrs. Maclin, Foster and Gardner of said committee.

Mr. Gardner introduced

A bill to regulate proccedings in actions of Replevin.

Which was read a first time and passed.

On motion of mr. Gardner,

Said bill was referred to the committee on the Judiciary.

A message from the House of Representatives, by mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have read and considered the amendment of the Senate, to the bill from the House of Representaives, to authorise Thomas Lanier, of the county of Wayne, to open and keep in repair a Turnpike Road—in which amendment the House of Representatives concur.

And then he withdrew.

Mr. Foster, from the committee on the Judiciary, to whom had been referred

A bill to provide for the issuance of Duplicate Treasury Warrants in certain cases—

Reported, that the committee have had the same under consideration, and had instructed him to return said bill and to recommend its rejection—and that said committee had further instructed him to submit the following resolution and accompanying document, and recommend their adoption:

Whereas, it appears to this General Assembly, that in the distribution of the Common School Fund for the year 1841, the sum of $1973 45 was allotted and distributed as the share coming to the county of Hardeman, and whereas it also appeared to the General Assembly, that to pay the said sum of $1973 45 to the county of Hardeman, the Comptroller of the Treasury drew his warrant of the following tenor and effect—that is to say:

$1973 45. No. 3145.

To the Treasurer of the State of Tennessee.

Pay to Geo. M. Arnold, Trustee, nineteen hundred and seventy-three dollars and forty-five cents, the amount due and owing on account of distribution share of School Fund accruing to Hardeman county in 1841.

Given under my hand at office this 9th day of August, 1841.

DANIEL GRAHAM,
Comptroller of the Treasury.

I certify that the above is a true copy of an original warrant issued by me and transmitted by post mail, after issuing, to Geo. M. Arnold, Trustee, at Lexington, Hardeman county, and that the same has not been presented to the Treasurer for payment since.

DANIEL GRAHAM,
Comptroller.

And whereas it is represented to this General Assembly, that said warrant was enclosed in a letter by the Comptroller of the Treasury and directed to Geo. M. Arnold, Trustee of Hardeman county, and which letter, with said warrant enclosed, was placed in the post office at Nashville, with the above direction—and whereas it is also represented to this General Assembly, that said letter with said warrant has been lost, misplaced or destroyed, and has not been received by the said Trustee of Hardeman county, nor paid by the Treasurer of the State, nor the Bank of Tennessee or its Branches—Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the Bank of Tennessee be, and it is hereby authorized and directed to pay out of the School fund to the trustee of Henderson county, the sum of nineteen hundred and seventy-three dollars fifty-five cents, after the said Bank of Tennessee shall be well informed and satisfied, that said warrant has not been paid at any of the Branches of said Bank, or the Treasurer of the State.

And be it further resolved by the General Assembly of the State of Tennessee, That the Treasurer, the Bank of Tennessee and its Branches, are hereby directed not to pay said warrant, should the same at any time be presented for payment.

Which being read, and the sense of the Senate thereon had, said resolutions were adopted in lieu of the original bill, which was rejected.

Ordered, That said resolution be engrossed and transmitted to the House of Representatives.

Mr. Foster, from the committee on the Judiciary, to whom had been referred

A bill to amend the laws now in force in relation to the administration of the estates of deceased persons—

Reported, that the committee have had the same under consideration, and had instructed him to strike out the whole of said bill, after the enacting clause, and to offer as an amendment in lieu thereof, the following:

Sec. 1. That when any person or persons may have died, or shall hereafter die intestate, and letters of administration shall not have been issued for the space of six months from and after the death of such decedent to any person upon said estate, it shall be the duty of the court having jurisdiction of the subject, upon the application of any creditor of said estate to grant to the clerk of said court letters of administration upon said estate without bond and security, and it shall be the duty of such clerk *ex officio*, to enter upon and discharge the duties of such administrators to said estate, in the performance of which he shall be subject to the laws in force and effect, governing ordinary administrations.

Sec. 2. *Be it enacted*, That administrators appointed under this act shall be allowed first to be paid out of the assets of the estate, all legal and necessary expences incurred, and the sum of five per cent. upon the whole value of the estate coming to their hands as such administrators, for compensation.

Sec. 3. *Be it enacted*, That it shall be the duty of the several courts having by law the power of granting letters of administration, and who shall have granted letters under the first section of this act, to repeal the same upon the widow or next of kin of the decedent, or any other person applying for administration on said estate, and tendering bond with approved security, and to grant letters of administration to such widow, next of kin or other person, and it shall be the duty of such precedent administrator to pay over to such succeeding administrator, all the unadministered assets of said estate, and such succeedent administrator shall be held subject to the law controlling ordinary administrators.

Sec. 4. *Be it enacted*, That where any person shall have, or may hereafter die testate, having nominated an executor, and six months from the death of said testator shall have elapsed without the qualification of such executor, or the appointment by the proper authority of any person to execute said will, or where any executor having qualified shall have died, or may hereafter die, and no person shall have been appointed further to execute the will for the space of six months after the death of said executor, or where any administrator shall have or may die, or be removed, and no other person shall have been appointed further to administer on said estate, for the space of six months from such death or removal, it shall be the duty of the court having jurisdiction, upon application of any creditor of such testator, or intestate to appoint the clerk of said court without bond and security, administrator with the will annexed testate, or administrator *de bonis non* of such intestate, and the letters of such administrator with the will annexed, or administrator *de bonis non*, so appointed by the court, shall be repealed, and the power granted by the court upon applica-

tion to the person or persons in the manner and form as provided for in the third section of this act.

Which being considered, the whole of said bill, after the enacting clause, was stricken out, and said amendment, as reported, adopted in lieu thereof.

And said bill, as amended, was read a second time and passed.

Mr. Nelson moved that the Senate take up the resolution submitted by mr. Speaker Turney on the 28th ultimo, proposing that the Senate meet the House of Representatives in their Hall, on the ——— day of ———, to elect two Senators in the Congress of the United States.

The question, Shall the Senate take up for consideration said resolution?

Being had, was determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded by mr. Nelson,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson, Reneau, Sevier and Williams, 10.

Those who voted in the negative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Powell, Ross, Waterhouse, Warner and Speaker Turney, 12.

So said motion to take up said resolution was rejected.

Mr. Nelson submitted the following:

Resolved by the General Assembly, That the Senate meet the House of Representatives in their Hall, on Monday, the 22d instant, for the purpose of electing two Senators to the Congress of the United States, —one to fill the vacancy of the Hon. Felix Grundy, and the other to succeed the Hon. Hugh L. White.

Which being read,

On motion of mr. Nelson,

Laid on the table.

The Senate took up the consideration of

A bill from the House of Representatives to change the time of holding the circuit courts for the 7th judicial district and the chancery court at Clarksville and Charlotte.

Which bill was read a second time and passed.

Mr. Frey asked and obtained leave to withdraw said bill for amendment.

The Senate took up the consideration of

A bill from the House of Representatives to make legal all the official acts of James Rose as deputy clerk of the county court of Shelby county.

Which was read a first time and passed, and,

On motion of mr. Foster,

Said bill was referred to the committee on the Judiciary.

The Senate took up the consideration of

A bill to incorporate the Caroline Medicinal Springs in the county of Warren.

Which was read a third and last time and passed, and ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to amend an act to distribute the Academy monies, and for other purposes, passed Jan. 27, 1840.

Which, on motion of mr. Foster, was amended by inserting the words "any of the," after the words "county courts of."

Which, on motion of mr. Foster, was further amended, by inserting the word "trustees," after the words "to appoint."

Which bill as amended was read a third time and passed—ayes, 21—Nays—None.

The yeas and nays being demanded by mr. Johnson,

Those who voted in the affirmative were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse, Warner, Williams, and mr. Speaker Turney—21.

Nays—None.

So said bill passed on its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill directory to clerks, witnesses, and Senators, and to amend the law relative to witnesses.

Which was read a third time, and on motion of mr. Ledbetter, said bill was laid on the table.

The Senate, on motion of mr. Gardner, took up the consideration of

A bill to amend the act of 1817, chapter 65, sec. 4, fixing the compensation of Attorney Generals in this State.

Which being read a time, as amended by mr. Williams,

Mr. Reneau offered the following amendment to mr. Williams' amendment.

* * * * * *

Which amendment being read and considered, was determined in the negative—ayes, 4—nays, 17.

The ayes and nays being demanded by mr. Reneau,

Those who voted in the affirmative were:

Messrs. Ashe, Foster, Frey, and Reneau—4.

Those who voted in the negative were:

Messrs. Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Miller, Nelson, Powell, Sevier, Waterhouse, Warner, Williams, and Speaker Turney—17.

So said amendment offered to the amendment of mr. Williams was rejected.

Mr. Martin asked and obtained leave to withdraw said bill for amendment.

On motion of mr. Maclin,

The Senate adjourned until 2 o'clock P. M.

EVENING SESSION.

Mr. Frey introduced

A bill to incorporate the Montgomery Wharf Company.

Which was read a first time and passed.

Mr. Gardner introduced

A bill to regulate the time of holding the circuit courts of the counties of Henry, Weakly and Obion.

Which was read a first time and passed.

Mr. Bradbury introduced

A bill to provide for the Internal Improvement Fund belonging to Henderson county.

Which was read a first time and passed.

Mr. Sevier introduced

A bill to authorise the trustees of Huntingdon Academy to dispose of lot no. 95, in said town.

Which was read a first time and passed.

Mr. Gardner submitted the following:

Resolved by the Senate of the General Assembly of the State of Tennessee, That the committee on the judiciary be and they are hereby instructed to enquire into the expediency of altering the judicial system of this State as to require but two instead of three annual terms of the circuit court to be held in each of the counties of this State as provided by the act of 1835, chapter 5, sec. 1—and of abolishing the appearance term of said courts so as to make causes triable at the first term, in all cases when process shall have been served days before the setting of the court to which the same may be returnable And that said committee have leave to report by bill or otherwise.

Which being read was laid on the table.

Mr. Ledbetter asked to be discharged from the Select committee created, to settle with R. P. Currin, late Superintendent of Public Instruction, which request being granted.

Mr. Gardner was appointed of said Select committee in the room and stead of Mr. Ledbetter.

On motion of Mr. Foster,

The Senate to enable the committee appointed on part of the Senate to settle with R. P. Currin, late Superintendent of Public Instruction,

Adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, Nov. 16, 1841.

A message from the House of Representatives by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed

A bill for the relief of the legal representatives of Daniel Fox, dec'd. Also,

A bill to amend the laws of Tennessee upon the subject of depositions. Also,

The remonstrance of sundry ladies of Gibson county, against the repeal of the tippling law. Also,

A remonstrance of sundry citizens of Gibson county, against the repeal of the tippling law.

And then he withdrew.

Mr. Miller presented the petition of John Blankenship, of Polk

County, relating to a mistake in entering a quarter section of land, and praying relief.

Which being read, was,

On motion of Mr. Nelson,

Laid on the table.

Mr. Miller presented the petition of the town commissioners of the town of Benton, in Polk county, praying a donation of the south east quarter of section 28, second fractional township, north range, second, east of the basis line in the Ocoee District, to aid in the erection of a Courthouse in the town of Benton, Polk county.

Which being read, was,

On motion of Mr. Miller,

Laid on the table.

Mr. Foster, from the Committee on the Lunatic Asylum, to which had been referred

A bill making appropriations for the payment of certain claims against the Lunatic Asylum, reported that the committee have had the same under consideration, and thought it reasonable and just, and had instructed him to recommend the passage of said bill with an amendment.

Mr. Foster moved to amend said bill by inserting after the words "March, 1840," the words "up to the passage of this act."

Which amendment being considered by the Senate was adopted.

Said bill, as amended, was read a third and last time, and

On motion of Mr. Ledbetter,

Was laid on the table.

His Excellency, James C. Jones, Governor of the State of Tennessee, by John S Young, Secretary of State, transmitted the following message to the Senate:

EXECUTIVE DEPARTMENT,
Nashville, November 16, 1841.

Gentlemen of the Senate and
House of Representatives:

I have received from the Executive of Virginia several documents in relation to her difficulty with the State of New York, with a request that I should lay the same before the Legislature of Tennessee. The documents are herewith transmitted.

JAMES C. JONES.

Which being read was laid on the table.

Mr. Martin, who had withdrawn for amendment

A bill to amend the act of 1817, chapter 65, sec. 4, fixing the compensation of Attorney Generals in this State,.

Returned the same with the following amendment:

Provided, That in no case of gaming, made felony by the laws of this State, the fee or fees of the Attorney General shall be reduced by this act; and provided further, upon conviction of any person or persons, convicted for betting on elections, the fee or fees of Attorney Generals shall be ten dollars.

Which being read, Mr. Warner moved to strike out the latter clause

of the amendment offered by Mr. Martin, when said bill with the amendments thereto, was,

On motion of Mr. Ledbetter,

Laid on the table.

Mr. Nelson, who had withdrawn for amendment,

A bill to change the time of holding the Circuit Courts in the second Judicial Circuit, and the Chancery Courts at Knoxville,

Returned said bill with the following amendment, in lieu of the whole bill after the caption:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts in the second Judicial Circuit from and after the 1st day of March, 1842, shall be held as follows, that is to say: For the county of Blount, on the fourth Monday of January, May, and September. For the county of Monroe, on the first Monday of February, June, and October. For the county of Roane, on the second Monday of February, June, and October. For the county of Morgan, on the fourth Monday of February, June, and October. For the county of Anderson, on the first Monday of March, July, and November. For the county of Knox, on the third Monday of March, July, and November.

SEC. 2. *Be it enacted*, That the Chancery Court at Knoxville shall hereafter be held on the fourth Monday of April and October, in each and every year.

Which amendment being read, and the sense of the Senate thereon had, was adopted, in lieu of the whole bill after the caption.

Said bill, as amended, was read a third and last time and passed—ayes 23—nays 00.

The ayes and nays being demanded by Mr. Nelson,

Those who voted in the affirmative were:

Messrs. Ashe. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller. Motley, Nelson, Powell, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney.

Negative voters none.

And so said bill passed on a third and last reading.

Was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Gardner introduced

A bill to encourage agriculture in the State of Tennessee.

Which bill was read a first time and passed, and,

On motion of Mr. Gardner,

Was referred to the Committee on Agriculture and Manufactures.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed to transmit to the Senate a preamble and resolution adopted by the House of Representatives, proposing that the Senate meet the House of Representatives in the Representative Hall, on Saturday, the 20th inst., for the purpose of electing two Senators to the Congress of the United States, one for four years from the

fourth of March last, to fill the unexpired term of the late Hon. Felix Grundy, dec., and the other for six years from the fourth of March last.

And then he withdrew.

Mr. Maclin moved that the Senate take up the message from the House of Representatives, proposing that the Senate meet the House at the Representative Hall, on Saturday, the 20th instant, for the purpose of electing two Senators to the Congress of the United States from the State of Tennessee.

And the question, "Shall said message be taken up for consideration?" being had, was determined in the affirmative.

Which preamble and resolution, transmitted from the House of Representatives, are as follows, to wit:

Whereas, the constitution of the United States declares that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislatures thereof for six years;" and again says, that "if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Whereas, in obedience to the oaths taken by the members of this General Assembly to support the constitution of the United States, it is their duty to elect Senators when there are any vacancies, and failing to do so would be disorganizing and revolutionary, and tend to the destruction of the government of the United States, for if such a course be right in Tennessee, the same right would exist in other States, and if exercised would necessarily tend to produce a dissolution of the Federal compact.

Whereas, at the next session of Congress the rates of representation will have to be fixed, to continue for the next ten years, and Tennessee in that case should not be without her voice in the Senate. A speedy action upon which by Congress, may save the expense of an extra session of the General Assembly.

Whereas, before the next regular Assembly of this State, the Tariff will have to be adjusted according to the compromise act, in which Tennessee will have a deep interest, and should not be without full representation in Congress.

Whereas, difficulties are impending with foreign nations that may endanger the peace of the United States, and affect her interest and honor, upon which it is proper Tennessee should be heard.

Whereas, large sums of money must be raised to meet the expenses of the National Government, a portion of which must be paid by Tennessee, upon this subject also she should be heard.

Whereas, the time for the meeting of Congress is now at hand, and no one knows when questions of vital importance may arise to be decided by Congress, and the Tennessee Senators should be in their places at the meeting of Congress, to speak and act for Tennessee, to protect and guard her interests, her rights, and her honor.

Whereas, delay by this General Assembly to perform a constitutional duty, under party excitement, may lead to bargain, intrigue, and management, to the great detriment of the public interest, and the rights and interests of the people whose servants compose this General Assembly.

Whereas, the subject of the election of Senators has already produced party strife and high excitement, to the prejudice and delay of legislation, and has unnecessarily increased, and is daily increasing the expenses of this General Assembly, periling the interests of the people, and yet charging them with the costs, to all of which it is essentially desirable to put an end, that the business of the Legislature may be cheaply and speedily done—Therefore

Resolved by the General Assembly of the State of Tennessee, That the Senate and House of Representatives will meet in convention in the Hall of the House of Representatives on Saturday, the 20th instant, for the purpose of electing two Senators to the Congress of the United States, one for four years from the fourth of March last, to fill the unexpired term of the Hon. Felix Grundy, dec., and the other for six years from the fourth of March last.

Which being read, Mr. Johnson moved to amend the preamble prefixed to said resolution, by striking out after the words "bargain, intrigue, and management, to the great detriment of," "and interests of the people, whose servants compose this General Assembly," and insert in lieu thereof the following: "E. H. Foster and Spencer Jarnagin, and thereby promote and advance the public interest by keeping them out of power for the next four and six years;" which amendment being read, the question "Shall said amendment be adopted?" being had, was determined in the affirmative—ayes 13—nays 11.

The ayes and nays being demanded by Mr. Williams,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, and Williams—11.

So said amendment was adopted.

Mr. Williams offered the following amendment to the preamble prefixed to said resolution of the House of Representatives, after the words "it is their duty,"—"by a joint vote of the two houses in convention assembled."

Which amendment being read,

And pending its consideration,

On motion of Mr. Ross,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A call of the Senate was demanded and had, when twenty-four Senators answered.

The Senate took up the consideration of the amendment offered by Mr. Williams, to the preamble and resolution of the House of Representatives, proposing that the Senate meet the House of Representatives at their Hall on Saturday, the 20th instant, to elect two Senators to the Congress of the United States.

And pending the discussion thereof and other matters relating to said preamble and resolution,

Mr. Foster having the floor, addressing the Speaker of the Senate.

On motion of Mr. Ledbetter,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, NOVEMBER 17, 1841.

Mr. Hardwicke in the chair.

Mr. Turney introduced

A bill granting to Elijah Frost a Turnpike road, and to Andrew R. Parker, John Gellentine, and Nicholas Gellentine, a Turnpike road.

Which bill was read a first time and passed.

Mr. Miller introduced

A bill to provide for an Entry Taker's office in the county of Polk, and for other purposes.

Which was read a first time and passed.

The Senate, on motion of Mr. Jennings, took up the consideration of

A bill making appropriations for the payment of certain claims against the Lunatic Asylum.

Mr. Jennings moved that the caption of said bill be amended so as to read as follows:

"A bill making appropriations for the payment of certain claims on account of work and labor done, and materials furnished towards the completion of the Lunatic Asylum."

Which being read, and considered by the Senate, was adopted.

Mr. Warner moved the following amendment to said bill.

"*Provided*, That any debts which may hereafter be created by the trustees of said institution, or by any officer thereof, over the sums appropriated by law, shall be on their own personal responsibility, and shall not be allowed them in settlement, or covered by any subsequent appropriation."

Which being read, and the sense of the Senate thereon had,

Said amendment was adopted.

And said bill, as amended, was read a third and last time.

And the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 22—nays 2.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Williams, and Mr. Speaker Turney—22.

Those who voted in the negative were,

Messrs. Laughlin and Waterhouse—2.

So said bill was passed on its third and last reading.

Was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER:

The House of Representatives have taken up and read a petition from sundry citizens of the county of Meigs, praying that Carter Young, Enoch Gallant, and John Dungan, be allowed a reasonable compensation for improvements made by them on a section of School Land in the Ocoee District, which I am directed to transmit to the Senate.

Also the petition of sundry citizens of Maury county, praying that John R. McKee be authorised by law to erect a mill on Duck river, which I am directed to return to the Senate, in accordance with a request contained in a message of the Senate to the House of Representatives.

Also an engrossed bill of the House of Representatives to incorporate the inhabitants of the town of Lynchburg, in the county of Lincoln, to which the House of Representatives ask the concurrence of the Senate.

The House of Representatives have taken up and considered a bill from the Senate to amend the act of 1794, chapter 1, and the act of 1837, chapter 131, which bill was read a third and last time and passed without amendment.

The House of Representatives have taken up and considered a bill from the Senate, to amend an act entitled an act to provide for the probate and registration of deeds and other instruments, passed December, 1831, chapter 97, to which bill the House of Representatives have made sundry amendments, and ask the concurrence of the Senate therein.

The House of Representatives have taken up and considered a bill from the Senate, to regulate the number of attorneys in State prosecutions, which they have read a third and last time and rejected.

The Speaker of the House of Representatives has signed an enrolled act to change the time of holding the Chancery Courts in Lewisburg, in Marshall county.

And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled act to change the time of holding the Chancery Court at Lewisburg, Marshall county, and ordered the same to be deposited in the office of the Secretary of State.

The amendment offered by Mr. Williams to the preamble affixed to the resolution proposing that the Senate meet the House of Representatives at the Representative Hall, on Saturday, the 20th instant, for the purpose of electing two Senators to the Congress of the United States, being further considered,

Mr. Ross addressing the Speaker, when it was suggested that the hour of adjournment had arrived.

On motion of Mr. Ashe,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Frey, from the Committee on Enrolments, reported as correctly enrolled a bill from the Senate, to amend the act of 1794, chapter 1, and the act of 1837, chapter 131.

Whereupon the Speaker of the Senate signed said enrolled act, and ordered that the same be transmitted to the House of Representatives.

The Senate took up the consideration of the several amendments offered by the House of Representatives to the Senate's bill, to amend an act entitled "an act to provide for the probate and registration of deeds and other instruments," passed December, 1831, chapter 90, and said several amendments of the House of Representatives to said bill being read and considered, were concurred in.

Ordered, That the clerk acquaint the House therewith.

Whereupon it is ordered that said acts be enrolled and signed by the Speaker of the Senate, and transmitted to the House of Representatives.

The Senate, on motion of Mr. Martin, took up and considered a petition from sundry citizens of Maury county, praying that John R. McKee be authorised to erect a mill upon Duck river.

And on motion of Mr. Martin,

Said petition was referred to the Committee on the Judiciary.

Mr. Hardwicke introduced

A bill to divide the State into Senatorial and Representative Districts.

Which was read a first time, when

Mr. Ledbetter moved to lay said bill on the table.

The ayes and nays being demanded by Mr. Ledbetter, was determined in the negative—ayes 12—nays 13.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

So said motion to lay said bill on the table was rejected.

The question then recurred upon the passage of said bill upon its first reading, which being had, was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded by Mr. Ledbetter,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse, and Williams—13.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Mr. Speaker Turney—12.

So said bill was rejected.

Mr. Waterhouse moved the reconsideration of the vote rejecting "a bill to divide the State into Senatorial and Representative Districts."

The question, "Shall the vote rejecting said bill be reconsidered?" being had, was determined in the affirmative—ayes 13—nays 12.

The ayes and nays being demanded by Mr. Ashe,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said motion to reconsider said bill prevailed.

And on motion of Mr. Waterhouse,

Said bill was laid on the table.

On motion of Mr. Martin,

The Senate took up the further consideration of the amendment of Mr. Williams, to the preamble prefixed to the resolution, proposing that the Senate meet the House of Representatives in their Hall, on the 20th instant, to elect two Senators to the Congress of the United States.

Mr. Ross being entitled to the floor, and before he had concluded his remarks,

The Senate, on motion of Mr. Martin,

Adjourned until to-morrow morning, 9 o'clock.

THURSDAY, NOVEMBER 18, 1841.

Senator Reneau, from his place, presented to the Senate the following as his protest against an amendment offered and adopted by the Senate, to a preamble and resolution adopted by the House of Representatives, and transmitted to the Senate for its concurrence, to wit:

PROTEST

Against the amendment offered by the Honorable Senator from Greene, and adopted by the Senate, to the preamble with a resolution adopted by the House of Representatives and sent to the Senate for its concurrence, the undersigned begs leave to make his protest, and to have the same, with his reasons, spread upon the journals.

That portion of the preamble amended read thus: "*whereas*, delay by this General Assembly to perform a constitutional duty, under party excitement, may lead to bargain, intrigue, and management, to the great detriment of the public interest, and the rights and interests of the people, whose servants compose this General Assembly."

The amendment spoken of, was made by striking out all the sentence after the preposition "of" next after the word "detriment," and inserting in lieu thereof, these words, "E. H. Foster and Spencer Jarnagin, and thereby promote and advance the public interest, by keeping them out of power for the next four and six years," making the sentence, as amended, to read thus: "*whereas*, delay by the General Assembly to perform a constitutional duty may lead to bargain, intrigue, and management, to the great detriment of E. H. Foster and Spencer Jarnagin, and thereby promote and advance the public interest, by keeping them out of power for the next four and six years.'

I object to this amendment

First. Because that sentence as it now reads represents, that, the delay, bargain, intrigue, and management spoken of, will be to the detriment of Foster and Jarnagin, "and thereby," that is, as I understand it, by the agency of the delay, bargain, intrigue, and management to-

their detriment, the public interest is to be promoted and advanced. And by the remainder of the sentence, that same advancement and promotion is represented, as it seems to me, to be effected by the agency of the "keeping them out of power for four and six years," so that I cannot understand what is really the proposition intended to be affirmed by the sentence in the amended form.

Secondly, "Four and six years" are ten "years," and I do not believe we can make any act of ours necessarily have the effect of "keeping them out of power for" that period.

Thirdly, This amendment having been made to a preamble which had received the approving action of the Representatives of the people, and sent to us, asking our concurrence, reflects, as it seems to me, a strong and marked disrespect for the proceedings of that body.

Fourthly, E. H. Foster and Spencer Jarnagin having been fixed upon by the Whigs as their candidates for the Senate of the United States, the language of the amendment in relation to them, is strongly indicative of feelings of contempt for the whole Whig party in the Legislature, who have made that choice.

Fifthly, I believe it to be wrong for either branch of the Legislature in language of disrespect to place the names of private citizens upon the records of any legislative proceedings.

"E. H. Foster and Spencer Jarnagin" are citizens of Tennessee, private citizens in the humble walks of life. They hold no public offices. They have never been charged with being guilty of treason, felony, or a want of allegiance and fidelity to the constitution of their country; and yet, this amendment represents the public interest as requiring that they should be "kept out of power for the next four and six years." Notwithstanding these men are so unfavorably represented by the amendment, no definite offence is charged against them, nothing tangible is presented against them which they can defend. They have no seats amongst us, they can make no reply to any unkind insinuation which may be made to their prejudice—they can resent no insult, nor defend themselves against any charge that may be made against them. These men are orderly men, men of good moral character. They are not before us asking for a pardon of offences, that we should reply and say to them, the public interest requires that you should be 'kept out of power for four and six years."

The premises considered, I respectfully ask leave to file this my protest, and to have it entered upon the journals of the Senate.

LEWIS RENEAU.

November 18, 1841.

Which being read, was ordered to be enrolled upon the journals of the Senate.

Which is accordingly done.

Mr. Warner presented a petition of 65 ladies, citizens of Marshall county, and 76 gentlemen, citizens and voters of Marshall county, praying that the tippling act of 1837--8 may not be repealed.

Which was read and ordered to be transmitted to the House of Representatives.

Mr. Jennings presented a communication from John M. Bass, and others, for the purpose of erecting a dam across the Cumberland river, with a lock, &c. to prevent the passage of steam boats, &c. and other things, to create a water power for the purpose, and for the things in manner and form as in said communication mentioned.

Which being read, was

On motion of Mr. Jennings,

Laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution proposing a joint select committe, to take into consideration the memorial of sundry citizens of Nashville, praying the incorporation of a joint stock company to establish a dam and lock on Cumberland river, near Nashville, and have appointed on the part of the House of Representatives, of said committee, Messrs. Lyon, Muirhead, Ely, Brooks, and Goodall, in which the House of Representatives ask the concurrence of the Senate.

And then he withdrew.

Mr. Ashe presented a petition from sundry citizens of Haywood county, praying that a portion of said county be by law attached to the county of Tipton, as set forth in said petition.

Which being read, was,

On motion of Mr. Ashe,

Ordered, To be transmitted to the House of Representatives.

Mr. Matthews presented the following:

1st. *Resolved by the General Assembly of the State of Tennessee*, That we believe in the liberty of the press, the freedom of speech, and the right of instruction.

2d. That we will vote for no man to office of high and important honor and trust, who fails or refuses to give his opinions frankly and freely, upon points and questions of national policy when called on so to do.

Which being read, was laid on the table.

The Senate then took up

On motion of Mr. Johnson,

The consideration of the amendment offered by Mr. Williams, to the preamble prefixed to the resolution of the House of Representatives, proposing that the Senate meet the House of Representatives in the Representative Hall, on Saturday, the 20th instant, to elect two Senators to the Congress of the United States.

Which being further considered,

Mr. Nelson having the floor, the hour of adjournment having arrived,

On motion of Mr. Ledbetter,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House has read a third and last time, and passed an engrossed bill to appoint Commissioners on Burk's Turnpike road, leading from Sparta to the Crab Orchard.

Also, an engrossed bill to reduce the tax fees of Attorneys General in certain cases.

Which was read a third and last time and passed.

To which bills severally, the House of Representatives ask the concurrence of the Senate.

Also, an enrolled act of the Senate, an act to amend the act of 1794, chapter 1, and the act of 1837, chapter 131.

Also, an enrolled act of the House of Representatives, to authorise Thomas Lanier, of the county of Wayne, to open a Turnpike road.

And then he withdrew.

Which enrolled acts were signed by the Speaker of the House of Representatives, were signed by the Speaker of the Senate, and ordered to be deposited in the office of Secretary of State.

The Senate again took up the further consideration of the amendment offered by Mr. Williams, to the preamble prefixed to the resolution of the House of Representatives, proposing that the Senate meet the House of Representatives at the Representative Hall, in convention, to elect two Senators to the Congress of the United States, from the State of Tennessee.

And pending the discussion of said amendment,

Mr. Gardner having the floor, addressing the Speaker,

On motion of Mr. Laughlin,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, NOVEMBER 19, 1841.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER:

The House of Representatives have adopted a resolution to raise a joint select committee to take into consideration the report and memorial of the President and Trustees of the Memphis Hospital, and that said committee report by bill or otherwise, and have appointed of said committee on the part of the House of Representatives, Messrs. Alexander, Buchanan of Giles, Burton, Dew, and Haskell, in which the House of Representatives ask the concurrence of the Senate.

And then he withdrew.

The Senate took up the unfinished business of yesterday, being the amendment offered by Mr. Williams to the preamble prefixed to a resolution adopted by the House of Representatives, proposing that the Senate meet the House of Representatives in their Hall, on Saturday, the 20th instant, for the purpose of electing two Senators to the Congress of the United States, from the State of Tennessee.

Which being further considered,

And pending the discussion thereof,
Mr. Gardner having the floor, addressing the Speaker,
On motion of Mr. Ross,
The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the unfinished business of the morning, being the amendment offered by Mr. Williams to the preamble prefixed to the resolution adopted by the House of Representatives, proposing that the Senate meet the House of Representatives in the Representative Hall, on Saturday, the 20th instant, for the purpose of electing two Senators to the Congress of the United States, from the State of Tennessee.

Which being further considered,
And pending the discussion thereof,
Mr. Reneau having the floor, addressing the Speaker,
On motion of Mr. Foster.
The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, NOVEMBER 20, 1841.

Mr. Warner presented the petition of 76 citizens, voters of the county of Marshall, praying that the tippling act of 1837–8 may not be repealed.

Which being read, was,
On motion of Mr. Warner,
Transmitted to the House of Representatives.

Mr. Frey, chairman of the Committee on Enrolments, reported as correctly enrolled

An act to amend an act entitled an act to provide for the probate and registration of deeds and other instruments, passed December, 1831, chapter 90.

Which enrolled act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Waterhouse presented the memorial of Samuel Harris, proprietor of the Battle Creek turnpike road, and touching certain matters relative to the Jasper and Pelham turnpike company, with certain accompanying documents.

Which being read, was,
On motion of Mr. Laughlin,
Transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have adopted a resolution proposing to create a joint select committee, to take into consideration the memorial of sundry citizens of Nashville, praying to be incorporated, with authority to erect a dam and lock on Cumberland river, above Nashville, and for other purposes, with leave to report by bill or otherwise, and have appointed of said committee on part of the House of Representatives, Messrs. Ewing, Muirhead, Barry, Brooks, and

Goodall; in which the House of Representatives ask the concurrence of the Senate.

And then he withdrew.

Mr. Laughlin introduced

A bill to amend the Judiciary system of this State.

Which bill being read a first time, was,

On motion of Mr. Ledbetter,

Laid on the table.

The Senate, on motion of Mr. Jennings, took up the consideration of a message from the House of Representatives, proposing, by a resolution adopted by the House of Representatives, to create a joint select committee, to take into consideration the memorial of sundry citizens of Nashville, praying that an act of incorporation be passed to erect a dam and lock across the Cumberland river, above Nashville, and for other purposes, with leave to report by bill or otherwise.

Which being read, was concurred in.

Ordered, That Messrs. Jennings, Peyton, and Gardner, be appointed of said committee on the part of the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Ross introduced

A bill to change the time of holding the Circuit Courts in the county of Giles.

Which bill was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third and last time, and passed, an engrossed bill, to change the venue in civil causes in certain cases.

Also, an engrossed bill to amend an act entitled "an act to re-enact and amend an act to establish a system of common schools in the State of Tennessee," passed 28th January, 1840, which bill has been read a third and last time and passed. In which the House of Representatives ask the concurrence of the Senate.

And then he withdrew.

The Senate, on motion of Mr. Reneau, took up the unfinished business of yesterday, being the amendment of Mr. Williams to the preamble prefixed to a resolution adopted by the House of Representatives proposing that the Senate meet the House of Representatives in convention at the Representative Hall, on Saturday, the 20th instant, for the purpose of electing two Senators to the Congress of the United States from the State of Tennessee, which being further considered, Mr. Reneau addressing the Speaker, and before he had concluded his remarks,

On motion of Mr. Foster,

The Senate adjourned until Monday morning next, 9 o'clock.

MONDAY, NOVEMBER 22, 1841.

Mr. Ledbetter presented the memorial of the Nashville, Murfreesboro', and Shelbyville Turnpike Company, praying to be put upon the same footing with other joint stock turnpike companies in the State of Tennessee, in which the State is a stockholder.

Which being read, was,

On motion of Mr. Ledbetter,

Referred to the Committee on Internal Improvements.

Mr. Turney introduced

A bill to prescribe the mode of electing Senators in Congress.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Bradbury, took up the consideration of

A bill to provide for the Internal Improvement fund belonging to Henderson county.

Which was read a second time and passed.

The Senate, on motion of Mr. Turney, took up the consideration of a resolution by him submitted in blank, on the 28th ultimo, proposing that the Senate meet the House of Representatives in their Hall, for the purpose of electing a Senator to the Congress of the United States for six years from the fourth of March last.

Which resolution being read, was,

On motion of Mr. Turney,

Laid on the table until to-morrow morning.

Mr. Foster moved that the Senate go into Committee of the Whole, upon the consideration of

A bill to amend the Judiciary system of this State.

Mr. Foster afterwards withdrew said motion, when,

On motion of Mr. Martin,

Said bill was referred to the Committee on the Judiciary.

The Senate, on motion of Mr. Gardner, took up the unfinished business of Saturday last, being the amendment offered by Mr. Williams, to the preamble prefixed to a resolution adopted by the House of Representatives, proposing that the Senate meet the House of Representatives in their Hall, on Saturday, the 20th of November, 1841.

Mr. Reneau being entitled to the floor, when the matters relative thereto, (with other matters,) was further considered.

Mr. Martin moved to postpone indefinitely said preamble and resolution. And afterwards Mr. Martin withdrew his motion to postpone said resolution indefinitely—the Senate progressing in the consideration of said amendment.

On motion of Mr. Bradbury,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of Mr. Martin, took up the farther consideration of the preamble prefixed to the resolution adopted by the House of Representative, proposing that the Senate meet the House of Representatives in their Hall, on the 20th instant, for the purpose of elect-

ing two Senators to the Congress of the United States, from the State of Tennessee.

When Mr. Martin moved to postpone indefinitely said preamble and resolution with the amendment thereto adopted, with the amendment offered by Mr. Williams, which being considered of by the Senate was determined in the affirmative—ayes 13—nays 12.

The ayes and nays being demanded,

Those who voted in the affirmative were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Those who voted in the negative were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said preamble and resolution, with the amendment thereto, and the amendment offered by Mr. Williams, were indefinitely postponed.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Gardner submitted the the following:

Resolved by the General Assembly of the State of Tennessee, That Thomas Brown and Hopkins L. Turney, be and they are hereby chosen Senators to the Congress of the United States, the former for six years from and after the 4th of March last, to succeed the Honorable Alexander Anderson, and the latter to fill the unexpired term of the Honorable Felix Grundy, deceased.

Which resolution being read, was laid on the table.

The Senate took up the consideration of an engrossed bill from the House of Representatives, for the relief of the legal representatives of Daniel Fox, deceased.

Which was read a first time and passed.

Also, an engrossed bill from the House of Representatives, to incorporate the inhabitants of the town of Lynchburg, in the county of Lincoln.

Which bill was read a first time and passed.

Also, an engrossed bill from the House of Representatives, to change the venue in civil causes in certain cases.

Which bill was read a first time and passed.

Also, an engrossed bill from the House of Representatives, to amend the laws of Tennessee upon the subject of depositions.

Which bill was read a first time and passed.

Also, an engrossed bill from the House of Representatives, to appoint commissioners on Burke's Turnpike road, leading from Sparta to the Crab Orchard.

Which was read a first time and passed.

Also, an engrossed bill from the House of Representatives, to reduce the tax fees of Attorneys General in certain cases.

Which bill was read a first time and passed.

Also, an engrossed bill from the House of Representatives to amend an act entitled an act to re enact and amend an act to establish a sys-

tem of Common Schools in the State of Tennessee, passed 28th of January, 1840.

Which bill being read,

Mr. Foster moved to amend the same by inserting in the eighth section thereof, after the words "a Common School Commissioner or Commissioners," the words "or treasurer of the Common School Commissioners."

Mr. Foster moved further to amend said bill, by inserting in the eighth section, after the words "such commissioner or commissioners," the words "or treasurers."

Which amendments being considered of by the Senate, were adopted.

And said bill, as amended, was read a first time and passed.

On motion of Mr. Warner,

Said bill was referred to the Committee on Education and Common Schools.

The Senate took up the consideration of "a bill to amend the laws now in force, in relation to the administration of the estates of deceased persons."

Which bill being read,

Mr. Foster moved to amend said bill by striking out the second section thereof, which reads as follows, to wit:

SEC. 2. *Be it enacted*, That administrators appointed under this act shall be allowed, first to be paid out of the assets of the estate all legal and necessary expences incurred, and the sum of five per cent upon the whole value of the estate coming to their hands as such administrators for compensation.

Which being considered of by the Senate, said amendment was adopted by striking out the second section of said bill.

Mr. Ledbetter moved the indefinite postponement of said bill as amended.

Mr. Jennings moved the recommittal of said bill, to the further consideration of the Committee on the Judiciary.

Which motion having precedence was adopted, and said bill recommitted to the Committee on the Judiciary.

The Senate took up the consideration of "a bill for an Entry Taker in the county of Polk, and for other purposes."

Which bill was read a second time and passed.

Also, a bill to incorporate the Montgomery Wharf Company.

Which bill was read a second time and passed.

Also, "a bill to authorize the Trustees of Huntingdon Academy to dispose of Lot No 95. in said town."

Which bill being read,

Mr. Sevier asked and obtained leave to withdraw the same for amendment.

The Senate took up the consideration of a bill granting to Elijah Frost a Turnpike road; and to Andrew K. Parker, John Gillentine, and Nicholas M. Gillentine a Turnpike road.

Which bill was read a second time and passed.

Mr. Sevier, who had obtained leave to withdraw for amendment "a

bill to authorise the Trustees of the Huntington Academy to dispose of lot No. 95, in said town," returned said bill with the following amendment, to wit:

SEC. 2. *Be it enacted*, That the Trustees of said institution may sell, loan, or rent said lot, publicly or privately, and that when sold, leased, or rented, and the proceeds collected, said Trustees are hereby required to apply the same to the use and for the benefit of said Academy.

Which amendment being read and considered, and the sense of the Senate thereon had, was adopted.

And said bill, as amended, was read a second time and passed.

Mr. Jennings introduced

A bill to change the organization of the board of Internal Improvement.

Which was read a first time and passed.

On motion of Mr. Jennings,

Said bill was referred to the Committee on Internal Improvements.

On motion of Mr. Ross,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 23, 1841.

Mr. Sevier presented the petition of several citizens of Carroll county, relative to the law declaring Sandy river navigable.

Which being read, was, on motion of Mr. Sevier, ordered to be transmitted to the House of Representatives.

Mr. Hardwicke asked and obtained leave to withdraw for amendment, "a bill to divide the State into Senatorial and Representative districts."

The Senate took up the consideration of "a bill from the House of Representatives, for the relief of the legal representatives of Daniel Fox, *deceased*.

Which bill was read a second time, and on motion of Mr. Williams, was referred to the Committee on Claims.

Also, a bill from the House of Representatives to appoint commissioners on Burke's Turnpike road, leading from Sparta to the Crab Orchard.

Which was read a second time and passed.

Also, an engrossed bill from the House of Representatives, to incorporate the inhabitants of the town of Lynchburg, in the county of Lincoln.

Which bill was read a second time and passed.

Also, an engrossed bill from the House of Representatives, to change the venue in civil causes in certain cases.

Which was read a second time and rejected.

Ordered, That the clerk acquaint the House of Representatives therewith.

Also, an engrossed bill from the House of Representatives, to amend the laws of Tennessee upon the subject of depositions.

Which bill was read a second time, and, on motion of Mr. Foster, was referred to the Committee on the Judiciary.

Mr. Warner presented the petition of 91 citizens and voters, resident in Bedford county, praying a modification of the tippling act of 1837 and 1838.

Mr. Warner, also, presented a petition of 156 citizens, resident in the county, praying that the tippling act of 1837-8, be kept in force and unrepealed.

Which petitions severally being read, were, on motion of Mr. Warner, tran mitted to the House of Representatives.

Mr. Ledbetter presented the memorial of 67 medical students, of the Medical University of Louisville, Kentucky, being citizens of the State of Tennessee, praying that the laws of the State of Tennessee in relation to the disinterment of the dead be amended as in said memorial mentioned.

Which being read, was, on motion of Mr. Ledbetter, transmitted to the House of Representatives.

Mr. Ross presented a communication from a Committee of the board of directors of the Columbia, Pulaski, Elkton, and Alabama Turnpike Company, relating to said Turnpike road.

Which being read, was, on motion of Mr. Ross, referred to the Committee on the Judiciary.

The Senate took up the consideration of "a bill to provide for the Internal Improvement fund belonging to Henderson county."

Which bill was read a third time, when Mr. Maclin asked and obtained leave to withdraw said bill for amendment.

The Senate took up the consideration of a bill to establish an Entry Taker's office in the county of Polk, and for other purposes.

Which being read a third and last time, the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 12—nays 9.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Hardwicke, Jennings, Johnson, Laughlin, Martin, Matthews, Maclin, Miller, Powell, Ross, Sevier, Warner, and Speaker Turney—13.

Those who voted in the negative were,

Messrs. Bradbury, Foster, Frey, Ledbetter, Motley, Nelson, Peyton, Waterhouse, and Williams—9.

So said bill was passed upon its third and last reading, and ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of a bill on its third and last reading, to authorise the trustees of Huntingdon Academy to dispose of lot No. 95, in said town.

Which bill was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Maclin returned a bill by him withdrawn for amendment, to provide for the Internal Improvement fund of Henderson county, with the following amendment, to wit: After the words "Henderson," insert the words 'Henderson and Perry."

Which amendment being read and considered of by the Senate, was adopted.

When Mr. Hardwicke asked and obtained leave to withdraw said bill for amendment.

The Senate took up the consideration of a bill granting to Elijah Frost a Turnpike road; and granting to Andrew K. Parker, John Gellentine, and Nicholas M. Gellentine a Turnpike road.

Which bill was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 17—nays 3.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bradbury, Foster, Frey, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Motley, Peyton, Powell, Ross, Sevier, Waterhouse, and Mr. Speaker Turney—17.

Those who voted in the negative were,

Messrs. Matthews, Nelson, and Warner—3.

So said bill was passed on its third and last reading, and ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of "a bill to change the time of holding the circuit court in the county of G les."

Which bill was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative.

So said bill was passed on its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of "a bill to change the time of holding the circuit courts in the county of Giles."

Which bill was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative.

So said bill was passed on its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of "a bill to prescribe the mode of electing Senators in Congress."

Which was read a second time and passsed.

The Senate took up the consideration of "a bill to incorporate the Montgomery Wharf Company."

On motion of Mr. Frey,

Said bill was laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill entitled "an act to amend an act to provide for the probate and registration of deeds and other instruments," passed December, 1831, chapter 90.

Which enrolled act was signed by the Speaker of the Senate, and was ordered to be deposited in the office of the Secretary of State.

On motion of Mr. Turney,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Gardner submitted the following preamble as an amendment to the resolution by him submitted on yesterday, appointing and choosing Thomas Brown and Hopkins L. Turney, Senators to the Congress of the United States, the former for six years, from and after the 4th day of March last, to succeed the Honorable Alexander Anderson, and the latter to fill the unexpired term of the Honorable Felix Grundy, deceased, to wit:

Whereas, The relative strength of political parties in this State, is nearly equal, as is proved by the result of the late election for members to this General Assembly, in which the Democrats succeeded in the election of a majority of one in the Senate, and the Whigs in a majority of three in the House of Representatives; the former being precisely equal to the latter in legislative weight, although numerically as but one to three.

And whereas, the thirteen Democratic Senators on this floor represent 62,000 of the qualified voters of the State, whilst the twelve Whig Senators only represent about 58,000 of the same class of the freemen of Tennessee.

And whereas, if a certain Whig Representative in the popular branch of the General Assembly would obey the instructions heretofore given him, by a majority of more than two thirds of all the qualified voters in his district, the strength of political parties would be equally balanced, in any attempt to elect Senators to the Congress of the United States by a joint vote of the two houses.

And whereas, a change of *four* votes in a single Representative district in the Western District of this State (where the candidates for Governor were tied) would have sent a Democratic, instead of a Whig member from said District, and produced an equipoise of political power on joint ballot of the two houses.

And whereas, a change of *fifteen* votes in another district in said division, would also have resulted in the choice of a Democrat in the place of a Whig, in which event the party now in the minority in the General Assembly, instead of its political opponents, would have had a majority of two on joint vote.

And whereas, the great and rapid reduction of the popular Whig majority in the State, from the Presidential election, in the month of November, 1840, to the State election in August, 1841, proves, most conclusively, that between those two periods, an extraordinary re-action in favor of the Democratic party was going on in the public mind; inducing the belief, that at this time the slight majority in the relative strength of parties which existed at the latter period, has been greatly diminished, or perhaps totally destroyed, if indeed the democracy of the State be not now decidedly in the ascendency.

And whereas, the Democratic portion of this General Assembly repudiates the corrupt and demoralizing doctrine, "that to the victors belong the spoils," and adopt the principle which affords a just protection to the rights of minorities, and secures equality of representation to the great body of the people.

And whereas, the existing division in public sentiment in this State,

on the subject of national politics is so nearly equal, that in the opinion of the members of this General Assembly, discarding party excitement, and all selfish considerations, a due regard to strict justice and political fair play, demands that the Legislature should select one Senator from the ranks of each of the opposing parties, to represent this State in the Congress of the United States. Therefore,.

Which being read,

Mr. Ledbetter moved to lay said amendment on the table.

A call of the Senate being demanded, which was had, resulting in twenty-four Senators answering.

Mr. Reneau being absent through indisposition.

The Speaker of the Senate directed the door keeper to request the attendance of Mr. Reneau, the absent Senator, who, failing to appear from indisposition

The Senate considered the motion of Mr. Ledbetter, to lay said amendment on the table.

Which was determined in the negative—ayes 11—nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—11.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

So said motion to lay said amendment on the table, was rejected.

Mr. Ledbetter moved to amend said preamble, by striking out the following, to wit:

"*And whereas*, if a certain Whig Representative in the popular branch of this General Assembly, would obey the instructions heretofore given him, by a majority of more than two thirds of all the qualified voters of his district, the strength of political parties would be equally balanced in any attempt to elect Senators to the Congress of the United States, by a joint vote of the two houses."

Mr. Speaker Turney being called upon to enforce the rule that no matter should be called in question by any member of the Senate, relating to the acts of any member of the House of Representatives, in debate or otherwise.

Whereupon the Speaker of the Senate directed the following words to be stricken out of said preamble, being a portion of the same subject matter, moved to be stricken out by Mr. Ledbetter, which is in the following words, to wit:

"A certain Whig Representative in the popular branch of this General Assembly, would obey the instructions heretofore given him, by a majoirity of more than two thirds of all the qualified voters in his district."

Which is accordingly stricken out.

Mr. Martin offered the following amendment to said preamble:

After the words "whereas if" "the popular will of the counties of Humphreys and Benton are faithfully represented, the strength of political parties would be equally balanced, in any attempt to elect Sena-

tors to the Congress of the United States, by a joint vote of the two houses."

The question being had upon the adoption of the amendment offered by Mr. Martin, was determined in the affirmative—ayes 13—nays 11.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—11.

So said amendment was adopted.

Mr. Williams offered the following amendment to said preamble, to be inserted after the words "the popular will of the counties of Humphreys and Benton, are faithfully represented," "and the popular will of the representative district composed of the county of Roane, and the Senatorial district composed of the counties of White, Overton, Jackson, and Fentress, be disregarded."

Mr. Williams demanded the ayes and nays on the adoption of the amendment by him offered.

Mr. Laughlin moved to lay the amendment offered by Mr. Williams on the table.

Mr. Turney offered the following amendment in lieu of the amendment offered by Mr. Williams, which is in the following words: "and the counties of White, Jackson, Overton, and Fentress, contains a majority of Whigs, the Senatorial district of the Senator from White."

The question then recurred upon the laying on the table the amendment offered by Mr. Williams, on the motion of Mr. Laughlin.

Which was determined in the affirmative—ayes 16—nays 8.

And the ayes and nays being demanded by Mr. Williams,

Those who voted in the affirmative are,

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—16.

Those who voted in the negative were,

Messrs. Ashe, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—8.

So said amendment was laid on the table.

The question then recurred upon the adoption of the amendment offered by Mr. Turney, in lieu of the amendment of Mr. Williams.

And the question being thereon had, was determined in the negative.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, Williams, and Mr. Speaker Turney—12.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

So said amendment was rejected.

Mr. Ledbetter moved that the Senate adjourn until to-morrow morning, 9 o'clock.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—10.

Those who voted in the negative were,

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—14.

So said motion to adjourn was rejected.

Mr. Ledbetter renewed his motion to amend said preamble, by striking out that part of the same, heretofore moved by him to be stricken out.

The ayes and nays being demanded upon said motion to amend by striking out, being had, was determined in the negative—ayes 11—nays 13.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—11.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13

So said motion to amend said preamble by striking out was rejected.

Mr. Ledbetter moved to lay said preamble and resolution, and the amendment made thereto, with the proposed amendment, on the table.

And the sense of the Senate being had thereon,

Said motion was rejected.

Mr. Ledbetter offered the following amendment to said preamble to wit:

"*Resolved further*, That if the Senatorial District composed of White, Jackson, Overton, and Fentress counties, be fairly represented, then the parties in this General Assembly will stand precisely as they did before the foregoing preamble and resolution were introduced."

Which being read,

Mr. Turney moved to lay said amendment on the table.

The question, laying said amendment on the table, being had, was determined in the affirmative—ayes 13—nays 11.

The ayes and nays being demanded by Mr. Ledbetter,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—11.

So said amendment offered by Mr. Ledbetter, was laid on the table.

Mr. Sevier offered the following amendment, to wit:

"*And whereas*, if the situation of parties were reversed, and the Democratic party had a majority of two on joint ballot of both houses, we the Democratic members of the Senate, pledge ourselves that we would have made similar propositions to the one contained in the preamble."

Which being read,

Mr. Turney moved to amend said amendment, by striking out the word "Democratic" wherever the same occurs in said amendment, offered by Mr. Sevier, and insert in lieu thereof, the word "Whig."

And the sense of the Senate being thereon had, said amendment offered by Mr. Turney, to the amendment offered by Mr. Sevier, was adopted.

Mr. Sevier asked and obtained leave to withdraw said amendment.

The question then recurred upon the adoption of said preamble as amended, which being had, was determined in the affirmative—ayes 12—nays 11.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—12.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—11.

So said preamble as amended was adopted.

Which with the resolution, was laid on the table.

Mr. Turney moved that the Senate adjourn until to-morrow morning, 9 o'clock.

The ayes and nayes being demanded by Mr. Nelson, was determined in the negative—ayes 9—nays 15.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Jennings, Ledbetter, Miller, Peyton, Ross and Mr. Speaker Turney—9.

Those who voted in the negative were,

Messrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Motley, Nelson, Powell, Sevier, Waterhouse, Warner, and Williams—15.

So the Senate refused to adjourn.

On motion of Mr. Williams,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, NOVEMBER 24, 1841.

Mr. Hardwicke returned the bill withdrawn by him for amendment, to provide the Internal Improvement fund belonging to the counties of Henderson, Hardeman, and Perry, with the following amendment, to wit:

After the word "Perry" in the caption, and when the same occurs in said bill, insert the word "Dickson."

Which amendment being read,

And the sense of the Senate being thereon had, was determined in the affirmative.

And said bill, as amended, was read a third and last time and passed, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Hardwicke presented a petition from Benjamin C. Anderson, citizen of Davidson county, praying that the tippling act of 1837-8, be repealed, and to give freedom to the people to eat, drink, and be merry.

Which being read, was, on motion of Mr. Hardwicke, ordered to be transmitted to the House of Representatives.

Mr. Laughlin, Chairman of the Committee on Banks, to whom had been referred "a bill to authorise the Bank of Tennessee and branches, to renew all notes of two hundred dollars and under, by calling ten per cent. semi-annually," reports that the Committee have had the same under consideration, and think its provisions unreasonable, and have directed him to return said bill and recommend its rejection.

On motion of Mr. Turney,

Said bill was laid on the table.

Mr. Laughlin, from the same Committee, to whom had been referred "a bill to equalize the discounts at the branches of the Banks of Tennessee and for other purposes," reports that said committee have had the same under consideration and deem its provisions improper and unreasonable, and have directed him to report said bill and recommend its rejection.

Which bill was, on motion of Mr. Laughlin, laid on the table.

The Senate took up the consideration of an engrossed bill from the House of Representatives, to appoint commissioners on Burke's Turnpike road, leading from Sparta to the Crab Orchard.

Which bill was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative.

So said bill was passed on its third and last reading, and was ordered to be transmitted to the House of Representatives for enrolment.

The Senate took up the consideration of an engrossed bill from the House of Representatives, to incorporate the town Lynchburg, in the county of Lincoln.

Mr. Turney offered the following amendment to said bill, to wit:

SEC. 11. *Be it enacted*, That the town of Sparta, in the county of White, is hereby incorporated with the same provisions and under the same rules and restrictions as is prescribed in this act, incorporating the town of Lynchburg, in the county of Lincoln.

Which amendment being read, and considered of by the Senate, was adopted.

And said bill, as amended, was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative.

And so said bill was passed on its third and last reading, and was ordered to be transmitted to the House of Representatives and the concurrence of the House of Representatives asked to the amendment made to said bill by the Senate.

Mr. Waterhouse introduced

"A bill for the relief of, and to refund to Samuel R. Hackett, late sheriff and collector for Rhea county, the sum of forty-four dollars and forty-nine cents,

Which bill was read a first time and passed, and

On motion of Mr. Waterhouse,

Said bill was referred to the Committee on Claims.

The Senate, on motion of Mr. Turney, took up the consideration of "a bill to authorise the Bank of Tennessee and branches, to renew all notes of two hundred dollars and under, by calling ten per cent. semi-annually."

Mr. Laughlin offered to amend said bill, by inserting therein after the words "semi-annually," the words "provided that the directors shall be satisfied that," and after the words "the note," the words "by such renewal will."

Which amendments being read, and the sense of the Senate thereon had, were adopted.

Mr. Turney offered the following amendment:

"*Provided also*, That this act shall not be construed to compel the Bank to renew any notes according to the provisions of this act, where the maker or any of the endorsers shall have borrowed the money for the use of any other person, or where they may have more than one note in said Bank, or any of the branches."

Mr. Ledbetter moved the indefinite postponement of said bill, with the amendments adopted and offered thereto.

The ayes and nays being demanded by Mr. Ledbetter,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Ledbetter, Martin, Motley, Peyton, Sevier, Warner, and Williams—9.

Those who voted in the negative were,

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Nelson, Powell, Ross, Waterhouse, and Mr. Speaker Turney—15.

So said motion to postpone said bill indefinitely, was rejected.

The said bill, as amended, was read a second time, and the question, "Shall said bill pass?" upon its second reading being had, was determined in the affirmative—ayes 15—nays 9.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Nelson, Powell, Ross, Waterhouse, and Mr. Speaker Turney—15.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Ledbetter, Motley, Peyton, Sevier, Warner, and Williams—9.

So said bill was passed on its second reading.

A message from the House of Representatives, by Mr. Mitchell, their Clerk:

Mr. Speaker: The House of Representatives took up and read a message from the Commissioners appointed to lay off and organise Powell

county, praying the Legislature to refund to said commissioners certain sums of money paid out by said commissioners, in discharge of duties imposed upon them, touching said service.

Also, a petition from sundry citizens of Greene county, praying a donation to Roaring Spring Academy.

Also, a memorial to the Congress of the United States, praying that compensation may be made to the Tennessee Volunteers, who have lost horses and other property in the late Indian war in Florida.

And then he withdrew.

On motion of Mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Powell introduced

"A bill concerning clerk's fees, in certain cases."

Which bill was read a first time and passed.

Mr. Gardner moved to take up the further consideration of a preamble and resolution, appointing Thomas Brown and Hopkins L. Turney Senators to the Congress of the United States, from the State of Tennessee, and afterwards withdrew his motion to take up said preamble and resolution.

The Senate took up the consideration of "a bill to incorporate the Montgomery Wharf Company."

Which bill was read a third and last time, and the question, "Shall said bill pass," being had, was determined in the affirmative.

So said bill was passed upon its third and last reading, which was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of "a bill to amend the act of 1817, chapter 65, section 4, fixing the compensation of Attorneys General in this State."

Mr. Williams moved that he be permitted to withdraw the amendment by him heretofore offered to said bill.

Which motion prevailing, said amendment was withdrawn, with the amendment to said amendment, offered by Mr. Martin.

Said bill was then read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative.

Those who voted in the affirmative were,

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Peyton, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—20.

Senator Nelson voting in the negative.

So said bill was passed upon its third and last reading, and ordered to be enrolled and transmitted to the House of Representatives.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, NOVEMBER 25, 1841.

Mr. Williams presented a petition from sundry citizens of Claiborne county, praying against the creation of a new county to be erected out of parts of the counties of Grainger, Claiborne, Campbell, and Anderson.

Which being read, was, on motion of Mr. Williams, transmitted to the House of Representatives.

Mr. Ashe presented the memorial of the trustees and contributors of the "Randolph Institute," in the county of Tipton, praying that certain appropriations be made and privileges granted by law to said Institution.

Which being read, was, on motion of Mr. Ashe, transmitted to the House of Representatives.

Mr. Foster, chairman of the Committee on the Judiciary, to which had been referred the petition of citizens of Maury county, praying that John R. McKee be permitted to erect a mill upon Duck river, reports that said committee have had the same under consideration, and have directed him to make the following report:

The Judiciary Committee have had under consideration the petition of many citizens of Maury county, praying the passage of a law granting to John R. McKee the privilege of erecting a mill on Duck river, in the county of Maury, and have directed me to report that, by the 8th sec of art. 11 of the constitution it is ordained: "the Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be deemed expedient;" and that under such section the General Assembly by the act of 1835, chapter 29, vested in the County Courts the power of granting the privilege prayed for in said petition: that from the information possessed by the County Courts they are more competent and better qualified to judge of the utility and propriety of granting such privileges than the General Assembly. The committee have directed me further to report, that by the general law of the land no mill shall be allowed, or other improvements made, so as to interrupt or in any way to injure or impair the navigation of such streams as are or may be declared navigable, and that as Duck river is by law declared a navigable stream, to grant the prayer of said petition would, in the opinion of the committee, be within the prohibition of the 7th section of article 11 of the constitution of the State of Tennessee. The committee are, therefore, of the opinion that the prayer of the petitioners should not be granted. All of which is respectfully submitted.

ROBERT C. FOSTER, Jr., Chairman.

Which being read, the Senate concurred therein.

Mr. Hardwicke submitted the following:

Whereas, complaint is made that, by the operation of the by-laws and internal regulations of the Branch of the Bank of Tennessee at Clarksville, that great injustice is done to borrowers and dealers, in said Bank. Therefore

Be it resolved, That the president, directors, &c. of said Bank report to the Senate a true copy of all their by-laws and internal regulations, es-

pecially those touching in any manner their discounts and renewal of notes at said Bank, and how many discount days in each week they have for the renewal of notes due said Bank, and whether the board regularly meets on said discount days or not, &c., &c. And that said report be made as soon as practicable.

Which being read, was laid on the table.

Mr. Ledbetter submitted the following:

Resolved, That a second assistant clerk be elected by the Senate, to transcribe the Senate journal for the public printers, and to perform such other duties as may from time to time be required of him.

Which being read, was laid on the table.

Mr. Jennings introduced

A bill to encourage literature and scientific operations.

Which bill was read a first time and passed.

On motion of Mr. Jennings,

Said bill was referred to the Committee on Education and Common Schools.

Mr. Maclin introduced

A bill to charter the Bank at Fort Pickering.

Which bill was read a first time and passed.

On motion of Mr. Maclin,

Said bill was referred to a special committee heretofore appointed for that purpose, consisting of Messrs. Maclin, Foster, and Gardner.

Mr. Frey, who had withdrawn for amendment, a bill from the House of Representatives to change the time of holding the Circuit Courts for the 7th Judicial District in this State, returned said bill with the following amendment, and moved to strike out the whole of said bill after the caption, and substitute said amendment in lieu thereof, which amendment is as follows, to wit:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts in the seventh Judicial Circuit shall hereafter be held at the following times, to wit: For the county of Stewart, on the second Monday in February, June, and October. For the county of Humphreys, the third Monday in February, June, and October. For the county of Dickson, on the fourth Monday in February, June, and October. For the county of Robertson, on the first Monday of March, July, and November. For the county of Montgomery, on the first Monday in April, August, and December, in each year.

SEC. 2. *Be it enacted*, That the Chancery Courts in said Judicial Circuit shall be held at Charlotte on the third Monday of May and November, and at Clarksville on the fourth Monday in May and November, in each year.

SEC. 3. *Be it enacted*, That each of the Circuit Courts herein mentioned, shall hold their first term after the passage of this act, at the times specified by law, and thereafter at the times specified in this act.

Which amendment being read, and the sense of the Senate thereon had, the whole of said bill after the caption is stricken out, and said amendment offered in lieu thereof is adopted.

And said bill, as amended, being read a third and last time, the ques-

tion "Shall said bill pass?" being had, was determined in the affirmative.

And so said bill was passed upon its third and last reading, and ordered to be transmitted to the House of Representatives for their concurrence in said amendment.

Mr. Gardner moved to take up the further consideration of a preamble and resolution by him heretofore submitted, appointing Thomas Brown and Hopkins L. Turney, citizens of the State of Tennessee, Senators to the Congress of the United States from the State of Tennessee, and again withdrew said motion.

Mr. Foster introduced

A bill to change the venue in civil causes in certain cases.

Which bill was read a first time and passed.

On motion of Mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Warner introduced

A bill to prevent indictments and presentments in certain cases.

Which bill was read a first time and passed.

Mr. Ledbetter moved to refer said bill to the Committee on the Judiciary.

And the sense of the Senate was thereon had, and said motion to refer said bill to the Committee on the Judiciary was rejected.

The Senate took up the consideration of

A bill concerning Clerk's fees in certain cases.

Which was read a second time.

When Mr. Gardner offered the following amendment, to be inserted after the words "Clerk's fees," to wit: "and witnesses on behalf of the acquitted defendant, when a trial was had on the merits of the cause."

Which amendment being read,

On motion of Mr. Foster,

Said bill was laid on the table.

The Senate took up the consideration of a message from the House of Representatives transmitting a memorial addressed to the Congress of the United States, praying that compensation be made to the Tennessee Volunteers who have lost horses and other property in the late Indian war, in the territory of Florida.

Which was read and concurred in, and ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of a message from the House of Representatives, transmitting the petition of sundry citizens of Greene county, praying that a law may be passed granting a donation to the Roaring Spring Seminary.

Which being read,

On motion of Mr. Johnson,

Said petition was referred to the Committee on Education and Common Schools.

The Senate took up the consideration of a message from the House

of Representatives, transmitting a memorial from certain commissioners, appointed by an act of the General Assembly to organize Powell county, praying to be indemnified for certain moneys expended, costs paid, and services rendered, in performing the duties required by said act of Assembly.

Which being read,

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, NOVEMBER 26, 1841.

Mr. Laughlin submitted the following:

Resolved by the General Assembly of the State of Tennessee, That his Excellency the Governor be, and he is hereby directed to transmit to the President of the Senate and Speaker of the House of Representatives in Congress, copies of the memorial of this General Assembly, adopted on the 25th November, 1841, covering copies of the resolutions therein referred to, on the subject of the claims of certain volunteers from this State, for horses and other property lost in the pending Indian war in Florida.

Which being read,

On morion of Mr. Laughlin,

The rule requiring resolutions to lie over for one day was suspended, and said resolution adopted.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Laughlin introduced

A bill for the relief of James Bradford.

Which was read a first time and passed.

On motion of Mr. Foster,

Said bill was referred to the Committee on Claims.

Mr. Turney introduced

A bill to prevent allowances, and to fix permanently the fees of the Clerks of the several Courts in this State.

Was read a first time and passed.

Mr. Foster returned a bill, by him withdrawn for amendment, concerning Clerk's fees in certain cases, witho amendment.

Which bill, on motion of Mr. Foster,

Was laid on the table.

The Senate, on motion of Mr. Hardwicke, took up the consideration of a resolution by him submitted on yesterday, directory to the Branch Bank of Tennessee, at Clarksville, relating to the by-laws and internal regulations of said Branch Bank, and concerning borrowers and dealers at said Bank, that said Branch Bank report to the Senate a copy of the by-laws, and internal regulations, touching discounts, and renewal notes, at said Bank, the number of discount days in each week, and whether the Board meets regularly on said discount days, or otherwise, &c.

Which resolution being read,

Was adopted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and read a memorial of citizens of the State of Tennessee, residing on the Forked Deer river, praying an act of incorporation and appropriation to be made by the State, to improve the navigation of said river, which I am directed to transmit to the Senate.

The Speaker of the House of Representatives did this day sign an enrolled act to appoint Commissioners on Burk's Turnpike road, leading from Sparta to the Crab Orchard.

And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled act, and ordered the same to be deposited in the office of the Secretary of State.

The Senate, on motion of Mr. Turney, took up the consideration of "a bill to authorise the Bank of Tennessee and Branches, to renew all notes of two hundred dollars and under, by calling ten per cent. semi-annually."

Mr. Martin offered an amendment to said bill, by striking out the words in said bill and caption, "semi-annually," and insert in lieu thereof, "four months."

Which amendment offered by Mr. Martin, being considered of, and the sense of the Senate therein had,

Was rejected.

Mr. Foster offered to amend said bill by inserting therein, after the words "by calling ten per cent." the words "when the said note shall fall due."

Said amendment being read,

And the sense of the Senate thereon had,

Was adopted—ayes 13—nays 11.

The ayes and nays being demanded by Mr. Turney,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, Martin, Motley, Peyton, Sevier, Warner, and Williams—13.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Maclin, Matthews, Miller, Nelson, Powell, Ross, Waterhouse, and Mr Speaker Turney—11.

So said amendment was adopted.

Mr. Ledbetter moved to amend said bill by inserting therein, after the words "when the said note shall fall due," the words "on the original sum borrowed."

Which amendment being read,

And the sense of the Senate thereon had,

Was adopted—ayes 16—nays 8.

The ayes and nays being demanded by Mr. Turney,

Those who voted in the affirmative were,

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Motley, Peyton, Powell, Sevier, Warner, Williams, and Mr. Speaker Turney—16.

Those who voted in the negative were,

Messrs. Johnson, Maclin, Martin, Matthews, Miller, Nelson, Ross, and Waterhouse.—8.

So said amendment was adopted.

Mr. Foster offered the following amendment:

"*And provided* nothing in this act shall be so construed as to compel said Bank to renew any note below one hundred dollars."

Which being read,

Mr. Foster afterwards withdrew said amendment.

Mr. Laughlin moved to amend the caption of said bill by striking out the words "semi-annually."

Which motion prevailing,

Said amendment was adopted.

Mr. Jennings moved to amend said bill by adding thereto, after the words "in the said Bank or any of the branches," the following words: "and provided this act shall not be so construed as to apply to notes originally over two hundred dollars, but which may have been reduced by renewals below that sum."

And said amendment being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a third and last time.

The question recurred upon the passage of said bill, which being had, was determined in the affirmative—ayes 14, nays 9.

The ayes and nays being demanded by Mr. Ledbetter,

Those who voted in the affirmative were:

Messrs. Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Nelson, Ross, Waterhouse, Warner, and Mr. Speaker Turney—14.

Those who voted in the negative were:

Messrs. Ashe, Bradbury, Jennings, Ledbetter, Martin, Motley, Peyton, Sevier, and Williams—9.

So said bill was passed upon its third and last reading, and ordered to be engrossed, and transmitted to the House of Representatives.

On motion of Mr. Laughlin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Foster introduced

A bill to amend the act of 1835, chapter 75.

Which was read a first time and passed.

The Senate took up the further consideration of a message from the House of Representatives, transmitting the memorial of Commissioners appointed by an act of the General Assembly of the State of Tennessee, to organize Powell county, praying the Legislature to pass a law to refund to said Commissioners certain sums of money paid and advanced by said Commissioners in discharge of the duties imposed upon them by said act, which was considered, when,

On motion of Mr. Johnson,

Said memorial was referred to the Committee on new Counties and County lines.

The Senate took up the consideration of
A bill to encourage literature and scientific associations.
And on motion of Mr. Foster,
Said bill was laid on the table.
The Senate took up the consideration of
A bill to change the venue in civil causes in certain cases.
Which bill was read a second time and passed.
The Senate took up the consideration of
A bill to prevent indictments or presentments.
Which bill was read a second time and passed.
Mr. Turney introduced
A bill to regulate the practice of shaving or purchasing notes, and to make it indictable to purchase or shave notes at a greater discount than twelve and one half per cent.

Which bill was read a first time and passed.

The Senate took up the consideration of a message from the House of Representatives, transmitting a memorial from sundry citizens of the State of Tennessee, residing on the Forked Deer River, praying an act of incorporation for the improvement of the navigation of said river.

Which being read, was,
On motion of Mr. Ashe,
Referred to the Committee on Internal Improvement.

The Senate took up the consideration of a message from the House of Representatives, transmitting a resolution adopted by the House of Representatives, directory to the Committee on Banks, to investigate the subject of the petition of Edward W. Dale's securities, and to report on the subject matter thereof, and to investigate the conduct of the directors of the Branch Bank of Tennessee, at Columbia.

Which being read,

Mr. Matthews moved to amend said resolution by striking out all matters therein relating to the directors of said Branch Bank.

Mr. Martin moved to lay said message and proposed amendment on the table.

Which motion prevailing,
Said message and proposed amendment was laid on the table.
On motion of Mr. Hardwicke,
The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, November 27, 1841.

Mr. Waterhouse presented a petition of sundry citizens of Marion county, praying that Richard Shorkley be permitted by law to sell by retail spirituous liquors, without paying a tax therefor.

Which being read,
Was ordered to be transmitted to the House of Representatives.

Mr. Warner presented a petition of 63 citizens and voters of Bedford county, praying a repeal of the tippling law of 1837–8.

Which being read,
On motion of Mr. Warner,
Was ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and considered a petition from sundry citizens of the county of Henry, praying the repeal of the act of 1829, chapter 76, which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Warner, chairman from the Committee on Claims, to whom had been referred, "a bill for the relief of the legal representatives of Daniel Fox, deceased," report that said committee have had the same under consideration, and from an examination of the documents accompanying the same, deem its provisions just and proper, and that said pension should be paid, and have directed him to recommend its passage.

And the sense of the Senate being had thereon, said report was concurred in.

And said bill was then read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 16—nays 7.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Jennings, Johnson, Ledbetter, Maclin, Martin, Matthews, Peyton, Powell, Ross, Waterhouse, Warner, Williams, and Mr. Speaker Turney—16.

Those who voted in the negative were,

Messrs. Frey, Gardner, Hardwicke, Miller, Motley, Nelson, and Sevier—7.

So said bill was passed upon its third and last reading.

Was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Warner, Chairman from the Committee on Claims, to whom had been referred "a bill for the relief of, and to refund to Samuel R. Hackett, late Sheriff and tax collector for Rhea county, the sum of forty-four dollars and forty-nine cents;" reports that said committee have had the same under consideration, and think its provisions just and proper, and that relief should be afforded, and have directed him to recommend its passage.

Whereupon, said bill was read a second time and passed.

The Senate, on motion of Mr. Martin,

Took up the further consideration of a message from the House of Representatives, being a resolution adopted by the House, directory to the Committee on Banks, relative to the petition of the securities of E. W. Dale, late Cashier of the Branch of the Bank of the State of Tennessee at Columbia, and also to investigate the conduct of the Directory of said Bank.

Mr. Matthews revived his motion made on yesterday, to strike out that part of said resolution relating to the Directory of said Branch Bank.

Which motion for striking out being considered by the Senate,

Was rejected.

The Senate further considering said resolutions, concur therein.

Ordered, That the clerk acquaint the House of Representatives therewith.

On motion of Mr. Foster,

The Committee on Education and Common Schools, to whom had been referred the consideration of "a bill from the House of Representatives, to amend an act entitled an act to re-enact and amend an act, to establish a system of Common Schools in the State of Tennessee," passed 28th January, 1840, from the further consideration thereof are discharged.

Which bill being read,

Mr. Ledbetter offered the following amendment to said bill:

"*Be it enacted*, That all School money belonging to the State of Tennessee, that now is, or hereafter may come into the hands of any County Trustee for said State, shall remain in said trustees hands until the schools are taught according to law, and then the Common School Commissioners for each district draw on the said Trustee for the amount due or may be coming to said civil district, and the order or orders from said Commissioners, shall be a good voucher for said County Trustee, in his settlement with the County Commissioners.

Be it enacted, That the Revenue Commissioners of each county, shall settle annually the account of the Trustee with each school district.

On motion of Mr. Ledbetter,

Said bill with the amendments offered thereto, was referred to the Committee on Education and Common Schools.

The Senate took up the consideration of

A bill to amend the act of 1835, chaptes 75.

Which bill was read a second time and passed.

The Senate took up the consideration of

A bill to regulate the practice of shaving or purchasing notes, and to make it indictable to purchase or shave a note at a greater discount than twelve and a half per cent.

On motion of Mr. Ledbetter,

Said bill was laid on the table.

The Senate took up the consideration of

A bill to provide allowances, and fix permanently the fees of the clerk's of the several courts in this State.

Which being read,

Mr. Ledbetter offered the following amendment:

"The Clerk and Master or Clerk of the Circuit Courts or other persons appointed Commissioners shall be allowed the same fees upon sales made by him, as now are allowed by law, to the different sheriffs for performing the same services. *Provided*, however, when the mount of the sale exceeds the sum of dollars, he shall be allowed per cent."

Which amendment being read,

On motion of Mr. Ledbetter,

Leave was given him and Mr. Frey, to withdraw said bill and amendment affixed thereto, for further amendment.

Mr. Gardner introduced

A bill to amend the act of 1835, chapter 15.

Which bill was read a first time and passed.

Mr. Hardwicke in the chair.

The Senate, on motion of Mr. Turney,

Took up the further consideration of a resolution submitted by Mr. Turney, on the 28th ultimo, to elect a Senator to the Congress of the United States, from the State of Tennessee, for six years from the 4th of March last.

Mr. Johnson moved that the Senate adjourn until Monday morning next.

And the sense of the Senate being had thereon,

Said motion to adjourn was rejected.

When a call of the Senate was demanded and had, resulting in Senators present 19—absent 6.

Senators present—Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Ross, Sevier, Williams, and Mr. Speaker Turney—19.

Senators absent—Messrs. Gardner, Laughlin, Martin, Reneau, Waterhouse, and Warner—6.

The Senator from Lincoln continued to debate on the subject matter of taking up the resolution proposing to elect a Senator to the Congress of the United States.

Mr. Nelson rose to a point of order,

Called Mr. Ross to order, who continued the debate.

Mr. Nelson called on Mr. Hardwicke in the chair, to restore order in the Senate.

Mr. Hardwicke declared that being called to the chair, and only temporarily presiding, that Senators had been indulged in thus proceeding, and strictly that a motion to take up was not debatable, yet he would not change the practice which had prevailed.

Mr. Ledbetter called upon the chair to stop further debate.

Mr. Ross, proceeding in his argument against taking up the resolution.

The chair permitting the argument to progress.

Mr. Ledbetter appealed from the decision given by the chair to the Senate, on a point of order, and submitted the following stateme t in writing, to wit:

"The Senator from Rutherford called upon the chair to stop debate upon the motion to take up the resolution, as being out of order, and contrary to the settled practice of the Senate"

The chair refused to cut off debate upon the question, from which decision the Senator from Rutherford appealed.

Mr. Ledbetter afterwards withdrew his appeal to the Senate, from the decision of the chair.

On motion of Mr. Turney,

The Senate adjourned until Monday morning, 9 o'clock.

MONDAY, November 29, 1841.

Mr. Powell presented a memorial of 65 citizens of Giles county, praying that a law be passed, offering a bounty on each bushel of cocoons, raw silk, sewing silk, &c. the growth and production of the State of Tennessee, for five years.

Which being read, was

On motion of Mr. Powell,

Referred to the Committee on Agriculture and Manufactures.

Mr. Gardner presented the petition of sundry citizens of Weakly county, praying the enlargement of the corporate limits of said town, accompanied with

A bill to enlarge the corporate limits of the town of Dresden.

Which bill was read a first time and passed.

On motion of Mr. Gardner,

The Senate took up the consideration of a preamble and resolution by him heretofore submitted, appointing Thomas Brown and Hopkins L. Turney, Senators to the Congress of the United States, the former for six years, from the 4th of March last, to succeed the Honorable Alexander Anderson, and the latter to serve out the unexpired term of the Honorable Felix Grundy, deceased.

Which being read,

Mr. Williams moved to lay said preamble and resolution on the table.

Mr. Williams moved a call of the Senate, which being had,

Senators present answering, were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Powell, Ross, Sevier, Waterhouse, Warren, Williams, and Mr. Speaker Turney—23.

Senators absent—Messrs. Peyton, and Reneau—2.

Mr. Powell offered the following amendment in lieu of the preamble and resolution submitted by Mr. Gardner, to wit:

Resolved by the General Assembly of the State of Tennessee, That Hopkins L. Turney be, and is hereby chosen a Senator in the Congress of the United States, to serve out the unexpired term of the Honorable Felix Grundy, deceased.

Which was read.

Mr. Ledbetter moved to lay said amendment on the table.

And the question, Shall said amendment be laid on the table? being had, was determined in the negative—ayes 11—nays 12.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, and Williams—11.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—12.

So said motion to lay on the table was rejected.

The Senator from Maury being present, and not voting, asked and

obtained leave to have enrolled upon the journal of the Senate, his reasons therefor.

That he had agreed with, and promised the Honorable Senator from Sumner, on Saturday last, who had obtained leave of absence to visit his family, that the Senator from Maury would, on no occasion, vote on any party question, until the Senator from Sumner was in his seat, and therefore asked the Senate to excuse him from voting upon any question of that character, which may be considered of by the Senate, until the return of the Senator from Sumner, who is expected on this day.

And the reasons being considered of, by the Senate, and deemed proper and sufficient, and the Senator from Maury excused by the unanimous voice of the Senate, for failing to vote upon any question of the character aforesaid, according to his agreement, &c.

The question then recurred upon the adoption of the amendment offered by Mr. Powell, in lieu of the preamble and resolution submitted by Mr. Gardner.

Mr. Ledbetter offered the following amendment to the amendment offered by Mr. Powell, to wit:

Resolved, That the Senate meet the House of Representatives in their Hall, on Wednesday next, the 1st day of December, for the purpose of electing two Senators to the Congress of the United States, one for six years, from the 4th of March last; the other to fill the unexpired term of the Honorable Felix Grundy, deceased.

Which being read,

And the question, Shall the amendment offered by the Senator from Rutherford, to the amendment offered by the Senator from Carter, in lieu of the preamble and resolution submitted by the Senator from Weakly, be adopted? being had, was determined in the negative—ayes 11—nays 12.

The ayes and nays being demanded by Mr. Ledbetter,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, and Williams—11.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—12.

So said amendment was rejected.

The question then recured upon the adoption of the amendment offered by the Senator from Carter, in lieu of the preamble and resolution submitted by the Senator from Weakly, which being had, was determined in the affirmative—ayes 12—nays 11.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—12.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, and Williams—11.

So said amendment was adopted in lieu of said preamble and resolution, submitted by the Senator from Weakly.

The question then recurred upon the adoption of the resolution submitted by the Senator from Carter, which being had, was determined in the affirmative—ayes 12—nays 11.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—12.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, and Williams—11.

So said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Turnay,

Took up the consideration of a resolution by him submitted on the 28th ultimo, proposing that the Senate meet the House of Representatives in the Representative Hall on the day of to elect a Senator to the Congress of the United States, for six years from the 4th of March last

Which being read,

Mr. Turney asked and obtained leave to fil the blanks in said resolution with Friday, the 3d of December next, which was accordingly done, and said resolution was again read.

The question, "Shall said resolution be adopted?" being had, was determined in the affirmative—ayes 12—nays 00.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Reneau, Sevier, Williams, and Mr. Speaker Turney—12.

Those who voted in the negative—none.

There being 12 Senators in their seats who were called, but declined voting.

Whereupon, Mr. Hardwicke in the Chair, announced that said resolution was adopted.

From which decision the Senator from Warren appealed to the Senate.

Mr. Ledbetter submitted the following statement, and moved that the clerk be directed to enter the same on the journal of the Senate.

Which motion prevailed.

Said statement being in writing as follows:

There being twelve affirmative voters the resolution was adopted—Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Warren, and Waterhouse being present in their seats, and refusing to vote for or against the resolution, Mr. Martin being also present, but was excused from voting on his own motion.

On motion of Mr. Ledbetter,
The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR SPEAKER: I am directed by the House of Representatives to re-transmit to the Senate "a bill of the House of Representatives to change the venue in civil causes in certain cases," in conformity to a request of the Senate, made through a message of the Senate to the House of Representatives.

Also, a petition of certain citizens of Cleaveland, praying that said town be incorporated, which was read and considered by the House of Representatives, and which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Maclin introduced

A bill for the relief of the Lagrange and Memphis Railroad Company.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Foster, took up the consideration of

A bill from the House of Representatives to increase the jurisdiction of justices of the peace.

Which was read a third and last time.

Mr. Peyton offered the following amendment to said bill: "Provided either party may have a trial by jury, and upon application of either party, the justice shall issue his summons to the constable, commanding him instantly to summon twelve competent jurymen, who shall appear, and shall be paid the allowance now allowed by law to jurymen, which shall be taxed in the bill of cost."

Which being read, the question then recurred upon the adoption of said amendment, which was determined in the negative—ayes 2—nays 23

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Peyton and Mr. Speaker Turney.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, and Williams.

So said amendment was rejected.

Mr. Warner thereupon offered the following amendment to said bill:

SEC. 2. *Be it enacted*, That the provisions of this act shall only extend to special endorsements, where the demand and notice required by law shall be expressly waved by the terms of the endorsement.

Which being read, and the sense of the Senate thereon had, was adopted.

Mr. Peyton offered the following amendment to said bill:

"SEC. — That in all cases where judgment may be rendered against the endorser, and not against the maker, it shall be lawful for the justice,

on motion, to render judgment in favor of the endorser against the maker, in the same manner and under the same rules that judgments by law are rendered in favor of the security against the principal."

Which being read, the question recurring upon the adoption of said amendment, which being had, was determined in the negative—ayes 12, nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Maclin, Martin, Nelson, Peyton, Powell, Reneau, and Mr. Speaker Turney.

Those who voted in the negative were,

Messrs. Bradbury, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Motley, Ross, Sevier, Waterhouse, Warner, and Williams.

So said amendment was rejected.

Mr. Turney offered the following amendment to said bill:

Be it enacted, That hereafter the several justices of the peace in this State shall have jurisdiction of all sums not exceeding five hundred dollars, when the same is due by note or other writing for money, signed by the party charged, or against whom judgment shall be rendered."

Which being read,

Mr. Ledbetter moved to lay said amendment on the table.

And thereupon the question was had and determined in the negative—ayes 12, nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bradbury, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Miller, Powell, Reneau, Ross, Sevier, and Warner.

Those who voted in the negative were,

Messrs. Ashe, Foster, Johnson, Laughlin, Maclin, Martin, Matthews, Motley, Nelson, Peyton, Waterhouse, Williams, and Mr. Speaker Turney.

So said motion was rejected.

Mr. Warner moved to strike out all that part of the amendment offered by Mr. Turney after the word "note."

Which motion Mr. Warner afterwards withdrew.

Mr. Martin moved to strike out of the amendment offered by Mr. Turney the words "not exceeding five hundred dollars."

And thereupon, the question upon said amendment was had, and determined in the negative—ayes 11, nays 14.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Frey, Gardner, Johnson, Laughlin, Maclin, Martin, Nelson, Peyton, Reneau, and Williams.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Hardwicke, Jennings, Ledbetter, Matthews, Miller, Motley, Powell, Ross, Sevier, Waterhouse, Warner, and Mr. Speaker Turney.

So said amendment was rejected.

Mr. Martin moved to amend said amendment offered by Mr. Turney,

by striking out the words "five hundred dollars," and inserting in lieu thereof "two thousand dollars."

And thereupon, the question upon said amendment being had, was determined in the negative—ayes 10, nays 15.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Frey, Gardner, Johnson, Laughlin, Maclin, Martin, Nelson, Reneau, and Sevier.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Hardwicke, Jennings, Ledbetter, Matthews, Miller, Motley, Peyton, Powell, Ross, Waterhouse, Warner, Williams, and Mr. Speaker Turney.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by Mr Turney, which was had, and determined in the negative—ayes 12, nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Frey, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Motley, Reneau, Williams, and Mr. Speaker Turney.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Gardner, Jennings, Ledbetter, Martin, Miller, Nelson, Peyton, Powell, Ross, Sevier and Warner.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the negative.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Matthews, Miller, Motley, Waterhouse, Warner, and Williams.

Those who voted in the negative were,

Messrs. Ashe, Foster, Frey, Jennings, Maclin, Martin, Nelson, Peyton, Powell, Reneau, Ross, Sevier, and Mr. Speaker Turney.

So said bill was rejected.

Ordered, That the clerk transmit said bill to the House of Representatives, and acquaint the House with the rejection thereof.

Mr. Turney moved a re-consideration of the vote rejecting said bill.

Which motion prevailed.

The Senate further considering said bill—the question recurring on the passage of said bill, was had, and determined in the negative—ayes 12, nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Matthews, Miller, Motley, Waterhouse, Warner, Williams, and Mr. Speaker Turney.

Those who voted in the negative were,

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Maclin, Martin, Nelson, Peyton, Powell, Reneau, Ross, and Sevier.

So said bill was rejected.

Ordered, That the clerk acquaint the House of Representatives therewith.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 30, 1841.

Mr. Hardwicke returned a bill by him withdrawn for amendment, to divide the State into Senatorial and Representative Districts, under the enumeration of 1841, with an amendment in lieu of the whole bill.

Which being read, was adopted.

The question recurred upon the passage of said bill, upon its first reading, was determined in the affirmative—ayes 13, nays 11.

The ayes and nays being demanded by Mr. Nelson,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams.

So said bill was passed upon its first reading.

The Senate, on motion of Mr. Laughlin, took up the consideration of

A bill to remove the seat of government from Nashville.

Which being read,

Mr. Laughlin moved to amend said bill, by striking out the words "session of the," occurring in said bill after the words "when the present," and insert in lieu thereof the words "the next regular and stated session shall"

Which amendment being considered by the Senate, was adopted.

Mr. Martin moved to amend said bill, by adding thereto the following: "and that the 7th section of the act passed February 1st, 1840, making Nashville the seat of government, is hereby repealed."

And the sense of the Senate being had thereon, said amendment was adopted.

And on motion of Mr. Martin,

Said bill and amendments was laid on the table.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill from the House of Representatives, giving further time for making surveys and obtaining grants on entries heretofore made.

Which was read,

When Mr Johnson offered the following amendment, to wit: "And also upon all platts and certificates of survey heretofore made, and upon which grants may not have been issued."

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Turney offered the following amendment: "Provided this act shall not affect vested rights"

Which being read and considered by the Senate, was rejected.

Mr. Laughlin moved the following amendment: "Provided, that no

Surveyor shall be authorized to survey any lands previously surveyed and granted, shall be void."

And the sense of the Senate being had thereon, said amendment was rejected.

Said bill was read a third and last time.

The question then recurred upon the passage of said bill, which was had, and determined in the affirmative—ayes 20—nays 1.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Nelson, Powell, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney.

Mr. Motley voting in the negative.

The Senate took up the consideration of

A bill to prevent allowances, and to fix permanently the fee of clerks of the several courts in this State.

Which was read,

And on motion of Mr. Ledbetter,

Laid on the table.

The Senate took up the consideration of

A bill to enlarge the corporation limits of the town of Dresden.

Which was read a second time and passed.

The Senate took up the consideration of

A bill to amend the act of 1835, chapter 15.

Which was read a second time and passed.

The Senate took up the consideration of

A bill for the relief of the Lagrange and Memphis Rail Road Company.

Which was read a second time and passed.

Mr. Maclin introduced

A bill for the appointment of trustees in certain cases.

Which was read a first time and passed.

Mr. Maclin introduced

A bill to dispose of the vacant, unappropriated and refused land within the State of Tennessee, lying South and West of the Congressional line, in conformity with the act of Congress, chapter 6, approved February 16, 1840.

Which was read, and

On motion of Mr. Maclin,

Was referred to the Committee on Public Lands.

The Senate took up the consideration of

A bill to amend the act of 1835, chapter 75.

Which was read a third and last time, and the question, "Shall said bill pass?' was had, and determined in the affirmative—ayes 22—nays none.

The affirmative voters were,

Messrs Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Peyton, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—22.

Nays—none.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act entitled "an act for the relief of the legal representatives of Daniel Fox, deceased."

And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled act, and ordered it to lie deposited in the office of the Secretary of State.

The Senate took up the consideration of

A bill to prevent indictments and resentments in certain cases."

Which being read,

Mr. Turney offered the following amendment:

'*Provided*, he does not otherwise misbehave himself."

Mr. Gardner offered the following amendment to said amendment, "by turbulent, vulgar, disorderly or quarrelsome conduct, constituting himself a public nuisance. *Provided*, that in no case shall unpresentment from any part of the punishment of the offence of drunkenness."

Mr. Turney asked and obtained leave to withdraw his amendment.

Mr. Warner moved the following amendment:

"*Provided*, he or they commit no other offence against the law."

Which being read and considered, was adopted.

Mr. Ross moved to strike out all that part of the bill after the word. "drunkenness."

Which being considered, and the sense of the Senate thereon had, said amendment was rejected.

Said bill as amended, was read a third and last time, and the question, "Shall said bill pass?" was had, and determined in the affirmative—ayes 22—nays 2.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—22.

The negative voters were,

Messrs. Foster and Ross—2.

So said bill passed on its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

On motion of Mr. Warner,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Gardner introduced

A bill to amend the act of 1831, chapter 52, and the act of 1827, chapter 49.

Which was read a first time and passed.

The Senate took up the consideration of

A bill for the relief of, and to refund to Samuel R. Hackett, late sheriff and tax collector for Rhea county, the sum of forty-four dollars and fifty-nine cents.

Which was read a third and last time, and the question, "Shall said bill pass?" was had, and determined in the affirmative—ayes 18—nays —4.

The ayes and nays being demanded,

The affirmative votes were,

Messrs. Ashe, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Peyton, Powell, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney —19.

The negative voters were,

Messrs. Bradbury, Frey, Motley, and Nelson—4.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to change the venue in civil suits in certain cases."

Which being read,

Mr. Foster moved to amend said bill, by inserting therein after the words "it shall be the duty of such judge or chancellor," the following words, "upon the application of either party."

And the sense of the Senate being had thereon, said amendment was adopted.

Said bill as amended, was read a third and last time, and the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 23—nays 1.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Peyton, Powell, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—23.

Mr. Nelson voting in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill directory to clerks, witnesses, and suitors, and to amend the law relative to witnesses attendance.

Mr. Ledbetter moved to amend said bill, by striking out the following:

SEC. 7. *Be it enacted*, That after the reading of the court minutes each morning, the clerk shall also read the probate of witnesses made the preceding day, and if either party shall object to any portion so read, exception shall be then, or during the same term taken, and the court shall decide upon the same instanter, or on good cause shown may defer such decision until the next court, but execution may issue for the residue of the costs not excepted to, and exceptions so taken shall be in writing, therein stating the name of the witness or witnesses excepted to, and the grounds of the exception.

And said amendment being read, and the sense of the Senate thereupon had, said amendment was rejected.

Said bill was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmatime—ayes 19—nays 4.

The ayes and nays being demanded.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Miller, Peyton, Powell, Ross, Sevier, Waterhouse, Warner, and Williams—19.

Those who voted in the negative were,

Messrs. Ledbetter, Matthews, Nelson, and Mr. Speaker Turney—4.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Foster returned "a bill by him withdrawn for amendment, concerning clerk's fees in certain cases," without amendment.

The question then recurred upon the adoption of the amendment offored by Mr. Gardner, when,

On motion of Mr. Foster,

Said bill was laid on the table.

Mr. Warner moved that the Senate re-consider the vote on the vote, on the passage, on its third and last reading of a bill to change the venue in civil suits, in certain cases.

On motion of Mr. Martin,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, December 1, 1841.

Mr. Powell introduced

A bill concerning dams in Holston river

Was read a first time and passed.

Mr. Laughlin introduced

A bill to alter and make certain, the lines between Wilson, Cannon, and De Kalb counties.

Was read a first time and passed.

On motion of Mr. Laughlin.

Said bill was referred to the Committee on New Counties and County Lines.

Mr. Waterhouse introduced

A bill for the payment of Jailors fees in certain cases.

Was read a first time and passed.

Mr. Speaker Turney presented a petition from sundry citizens of Lawrence county, praying the passage of a law changing drill musters, and for other purposes.

Which being read,

On motion of Mr. Matthews,

Was referred to the Committee on Military Affairs.

The Senate took up the consideration of

A bill to amend the act of 1835, chapter 15.

Which was read, when

Mr. Warner offered the following amendment:

"*Provided*, That nothing herein contained, shall be so construed as to affect the rights and interest of *femes covert* or executors."

Mr. Gardner offered the following amendment to the amendment offered by Mr. Warner,

Which Mr. Warner accepted.

"Who were such at the time of the sale, and *provided*, that they shall have three years in which to sue, after the removal of the disability of coverture or minority."

Mr. Turney offered the following amendment in lieu of the amendmant offered by Mr. Warner:

SECTION 7. *Be it enacted*, That all sales of land made under the provisions of this act and the other acts of the Assembly for the taxes, shall be good to pass the title to the purchaser, to all intents and purposes.

SEC. 8. *Be it enacted*, That before the sheriff of any county shall sell any lands for the taxes, it shall be his duty to summons two freeholders, who shall value the land, and the sheriff shall state in his advertisement the value thereof, as fixed by the valuers, and before the title shall vest in the purchaser, he shall, at the expiration of the time for redemption, pay into the hands of the Treasurer of the State, for the use of the owner of the land, one third of the value thereof, which shall be paid to the owner upon application.

Which being read,

The question recurred upon the adoption of the amendment offered by Mr. Warner, was had, and determined in the affirmative—ayes 14 nays 9.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Powell, Ross, Sevier, Waterhouse, and Warner—14.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Frey, Jennings, Motley, Nelson, Peyton, Williams, and Mr. Speaker Turney—9.

So said amendment was adopted.

The question then recurred upon the adoption of the amendment offered by Mr. Turney, in lieu of the amendment offered by Mr. Warner, and thereupon was had, and determined in the negative—ayes 8—nays 14.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Jennings, Johnson, Nelson, Peyton, Ross, Williams, and Mr. Speaker Turney—8.

Those who voted in the negative were,

Messrs. Bradbury, Frey, Gardner, Hardwicke, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Powell, Sevier, Waterhouse, and Warner—14.

So said amendment was rejected.

Mr. Gardner moved the following amendment, to wit:

Sec. 7. *Be it enacted*, That from and after the passage of this act all sales of land for the non-payment of taxes on said land, shall be valued.

Provided, That in the notice of sale the No. of grant or entry, of acres of surveyor's district, of range, and section and the name of the person to whom granted, be given; the land to be subject to redemption, as by the laws of this State as at present.

Which being read,

And the sense of the Senate thereon had,

Said amendment was adopted.

On motion of Mr. Gardner,

Said bill was referred to the Committee on the Judiciary.

The Senate took up the consideration of the memorial of the President and Directors of the Hiwassee Rail Road Company, which was,

On motion of Mr. Miller,

Referred to the Committee on Internal Improvement.

The Senate, on motion of Mr. Laughlin,

Took up the consideration of a motion to re-consider the vote rejecting

A bill from the House of Representatives, to change the venue in civil causes, in certain cases.

Which bill was, upon its second reading in the Senate, rejected, and transmitted to the House of Representatives.

And afterwards a special message from the Senate to the House of Representatives, requesting the re-transmission of said bill to the Senate, was transmitted.

Which bill in accordance to the message of the Senate, was re-transmitted by a message from the House of Representatives this day

And the sense of the Senate being thereon had,

Said motion to re-consider the vote rejecting said bill prevailed.

The Senate took up the consideration of

A bill from the House of Representatives, to change the venue in civil causes in certain cases.

Which bill was read a second time and passed.

The Senate took up the consideration of

A bill to extend the corporate limits of the town of Dresden.

Which was read a third and last time,

And the question, Shall said bill pass? was had, and determined in the affirmative.

So said bill was passed on its third and last reading, and was ordered to be engrossed, and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill for the relief of the Lagrange and Memphis Rail Road Company.

Which was read a third and last time,

And the question, Shall said bill pass? was had, and determined in the affirmative.

And so said bill was passed upon its third and last reading, and ordered to be engrossed, and transmitted to the House of Representatives.

The Senate took up the consideration of
A bill to divide the State into Senatorial and Representative districts.
Mr. Foster moved that fifty copies be printed for the use of the Senate.
Which motion prevailed, and
On motion of Mr. Foster,
Said bill was laid on the table.
Mr. Warner asked and obtained leave to withdraw his motion, made on yesterday, to re-consider the vote of the Senate upon the third and last reading of "a bill to change the venue in civil suits, in certain cases."
Which motion to re-consider said vote was accordingly withdrawn.
On motion of Mr. Nelson,
The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of Mr. Laughlin,
Took up the consideration of an appeal to the Senate, taken from the decision of Mr. Hardwicke in the chair, announcing the adoption of a resolution submitted by Mr. Turney, proposing that the Senate meet the House of Representatives in their Hall, on Friday, the 3d December, 1841, for the purpose of electing a Senator to the Congress of the United States, for six years, from the 4th of March last.
Which appeal taken by Mr. Laughlin from the decision of the chair being amended,
And the sense of the Senate thereon had, was sustained,
And said resolution rejected.
A message from the House of Representatives, by Mr. Mitchell, their clerk:
Mr. Speaker: The House of Representatives have taken up and read a third and last time, and passed the following bills, to wit:
A bill to refund to White county the fines and forfeitures wrongfully paid to the Treasurer of the State.
Also, A bill to authorise the establishing of ferries on the Mississippi river.
Also, A bill to provide for the election of the town constable for the town of Jackson, by the qualified voters of said town.
Also, A bill to authorise Chancellors to appoint special terms for holding Chancery Courts.
Which bills I am directed to transmit to the Senate, and ask their concurrence therein.
The House of Representatives have taken up and considered the resolution of the Senate, appointing Hopkins L. Turney a Senator in the Congress of the United States, to serve out the unexpired term of the Honorable Felix Grundy, deceased.
In which resolution the House of Representatives non-concur.
And then he withdrew.
The Senate, on motion of Mr. Turney,
Took up the following resolution, submitted by Mr. Turney, on the
* October, 1841.

Resolved by the General Assembly of the State of Tenneesee, That the Senate meet the House of Representatives in their Hall, on the day of to elect a Senator to the Congress of the United States, to fill the unexpired term of the Honorable Felix Grundy, deceased.

Mr. Turney asked and obtained leave to fill the blanks in said resolution with "Friday, the 3d day of December, 1841.

Which was accordingly done.

Mr. Turney moved the following amendment to said resolution:

Resolved further, That the Senate meet the House of Representatives on Thursday, the second day of December, 1841, to elect a Senator in the Congress of the United States, for six years, to succeed the Honorable Alexander Anderson, from the 4th of March last.

Which amendment being read,

The question, Shall said amendment be adopted? being had, was determined in the affirmative—ayes 13—nays 12.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

So said amendment was adopted.

The question then recurred upon the adoption of said resolution.

Which was had, and determined in the affirmative—ayes 13—nays 12.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

So said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the two amendments of the Senate, to the bill from the House of Representatives, "giving further time for making surveys and obtaining grants on entries heretofore made."

And the House of Representatives concur in the second amendment, and non-concur in the first amendment of the Senate to said bill.

And then he withdrew.

The Senate, on motion of Mr. Gardner,

Took up the consideration of

A bill concerning clerk's fees, in certain cases, on the second read

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Mr. Gardner moved the adoption of the amendment by him offered to said bill, on a former day.

When Mr. Turney offered the following in lieu thereof:

SEC. 2. *Be it enacted*, That in all cases hereafter of a criminal nature, where the defendant shall be acquitted, the State shall pay all of the material witnesses of the defendant, examined in the cause in his defence, as well as those against him.

Mr. Turney asked and obtained leave to withdraw said amendment.

And thereupon submitted the following in lieu thereof:

SEC 2. *Be it enacted*, That in all cases hereafter where any defendant shall be acquitted of any criminal charge by a jury of his country, if the offence charged be under the grade of petit larceny, then the county shall pay all of the material witnesses of the defendant summoned and examined in his defence, and if the charge be of an offence punishable by confinement in the penitentiary, then the State shall pay the costs of the witnesses of the defendant, who were material and examined in his defence.

Which amendment Mr. Gardner accepts in lieu of the amendment by him offered.

Mr. Powell moved to postpone said amendment indefinitely.

And the question thereon being had, was determined in the affirmative—ayes 16—nays 7.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Peyton, Powell, Ross, and Sevier—16.

The negative voters were,

Messrs. Gardner, Johnson, Nelson, Watterhouse, Warner, Williams, and Mr. Speaker Turney—7.

So said amendment was indefinitely postponed.

Mr. Nelson moved the indefinite postponement of said bill.

Which motion prevailed.

The Senate, on motion of Mr. Ross,

Took up the consideration of a message from the House of Representatives, non-concuring in an amendment made by the Senate, to "a bill from the House of Representatives, giving further time for making surveys and obtaining grants on entries heretofore made."

Which amendment is in the following words: "North and East of the Congressional line."

Mr. Ross moved that the Senate do recede from said amendment.

Which motion prevailed.

Ordered, That the clerk acquaint the House of Representatives therewith.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, DECEMBER 2, 1841.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up a resolution of the Senate, prposing that the Senate meet the House of Representatives in their Hall, on Thursday, the 2d day of December, 1841, to elect a Senator to the Congress of the United States, for six years, from the 4th of March last; also, that the Senate meet the House of Representatives in their Hall, on Friday, the 3d day of December, 1841, for the purpose of electing a Senator to the Congress of the United States, to fill the unexpired term of Felix Grundy, deceased, and have concurred therein.

And then he withdrew.

Mr. Miller presented the petition of sundry citizens of McMinn county, praying that a law be passed imposing penalties upon jurors who fail to perform their duty in relation to the assessment of damages incurred by persons through whose land the Hiwassee Rail Road passes.

Which being read, was,

On motion of Mr. Miller,

Laid on the table.

Mr. Peyton, Chairman, from the Committee on New Counties and County Lines, to which had been referred "a bill to establish the county of Putnam, to perpetuate the memory of Israel Putnam, of the revolutionary war," reports that said committee have had the same under consideration, and think said bill proper and reasonable, and have directed him to report said bill and recommend its passage.

And said bill was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

MR. SPEAKER: The House of Representatives have read a third and last time, and passed the following bills: entitled

A bill to amend the act of 1831, chapter 24.

A bill to make compensation to Robert Tunnell, late surveyor of the Hiwassee District.

A bill to authorise the county court of Monroe county, and other counties, to make appropriations in certain cases.

A bill to repeal an act entitled an act to incorporate the town of Madisonville, in the county of Monroe.

Which several bills I am directed to transmit to the Senate, and ask the concurrance of the Senate therein.

And then he withdrew.

The Senate took up the consideration of

A bill from the House of Representatives, to refund to White county the fines and forfeitures wrongfully paid to the Treasurer of the State.

Which bill was read a first time and passed. And

On motion of Mr. Gardner,

Said bill was referred to the Committee on Claims.

Mr. Ross moved that the Senate reconsider a vote, postponing indefinitely on yesterday, "a bill concering clerk's fees in certain cases."

Which being considered, and the sense of the Senate thereon had, said motion prevailed.

The Senate took up the consideration of

A bill from the House of Representatives, to provide for the election of the town constable, for the town of Jackson, by the qualified voters of said town.

Which bill was read a first time and passed

The Senate took up the consideration of

A bill from the House of Representatives, to authorise the establishing of ferries on the Mississippi river.

Which bill was read a first time and passed.

The Senate took up the consideration of

A bill from the House of Repsesntatives, to provide for supplying the vacancies in the offices of county court clerk's and Registers.

Which bill was read a first time and passed.

The Senate took up the consideration of

A bill to amend the acts of 1831, chapter 52, and the act of 1827, chapter 49.

Which was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, to authorise chancellors to appoint special terms for holding chancery courts.

Which bill was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives is now ready to receive the Senate at their Hall, in convention, to go into the election for a Senator to the Congress of the United States, for six years, from the 4th of March last, in conformity to a resolution adopted by the Senate, and concurred in by the House of Representatives, fixing this day for said election.

And then he withdrew.

Mr. Williams submitted the following in writing:

The Senator from Grainger, moved, that the Senate repair to the House of Representatives, to meet said House in convention, to go into the election of a Senator in Congress, for six years, from the 4th of March last.

Which being read, and the question, "Shall the Senate meet the House of Representative in convention, at their Hall, this day?" being had, was determined in the affirmative.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

So said motion prevailed.

Mr. Foster moved that the clerk call the roll of the Senate, preparatory to repairing to the House of Representatives.

Which call was had,

When Mr. Speaker Turney and twelve gentlemen of the Senate, to wit:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams---13, repaired to the Hall of the House of Representatives.

Whereupon, Mr. Speaker Turney took his seat in the chair with the Speaker of the House of Representatives.

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner, remaining in their seats in the Senate chamber, and refusing to accompany the Speaker of the Senate and other Senators to the Hall of the House of Representatives.

Mr. Speaker Turney directed the roll of the Senate to be called.

Which was accordingly done,

The following Senators answering, to wit:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

Senators absent,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

Mr. Speaker Turney directed the door-keeper of the Senate, to see and invite the absent Senators to appear within the bar of the House of Representatives, and that the door-keeper report how he has executed said duty.

The door-keeper of the Senate returned within the bar of the House of Representatives, and delivered to the Speaker of the Senate, the following communication, to wit:

SENATE CHAMBER, December 2, 1841.

MR. SPEAKER TURNEY: The undersigned Senators are now in the Senate Chamber, in their seats, ready to transact any constitutional business pending before this branch of the General Assembly, whenever a quorum of members shall be in attendance.

Respectfully,

Your obt. servts.,

S. H. LAUGHLIN,
J. P. HARDWICKE,
JOHN A. GARDNER,
B. MARTIN,
SACKFIELD MACLIN,
RICHARD WATERHOUSE,
RICHARD WARNER,
ROBERT W. POWELL,
JOHN MILLER,
A. JOHNSON,
W. T. ROSS,
THOMAS J. MATTHEWS.

Which communication being read, was ordered to be enrolled upon the journal of the Senate.

The convention then adjourned for the want of a quorum of the Senate, to meet again in the Hall of the House of Representatives on to-morrow at 2 o'clock, P. M.

Mr. Speaker Turney and the twelve gentlemen of the Senate present, repaired to the Senate chamber to resume their session.

On motion of Mr. Maclin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of Mr. Laughlin, took up the consideration of A bill from the House of Representatives, to change the venue in civil causes in certain cases.

Which being read,

On motion of Mr. Hardwicke,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 3, 1841.

Mr. Laughlin moved that the journal of yesterday be amended, by enrolling upon the journal the following, which was submitted in writing:

"That the journal be so corrected as to show that the Speaker decided the point of order in the Hall of the House of Representatives on yesterday, by which decision, the Speaker decided that a quorum of the Senate was not present, and that the only motion which he could entertain, would be a motion for a call of the Senate, and sending for members, or a motion to adjourn."

Which amendment, the Speaker thinks fit to make, which is accordingly done.

Mr. Laughlin presented the petition of sundry citizens of Cannon county, praying that a bill may not be passed, now pending before the General Assembly, altering the lines of Cannon and Warren counties.

Which being read,

On motion of Mr. Laughlin,

It is ordered that said petition be transmitted to the House of Representatives.

Mr. Warner presented the petition of Benjamin M'Cristian, praying that a law may be passed directing that a certain tract of school land surveyed by Alex. Turrentine, may be surveyed correctly, there being included withi nits calls, fifty-five acresmore than the quantity to which said servey is entitled, which excess interferes with the landof your petitioner.

Which being read,

On motion of Mr. Warner,

Said petition is referred to the Committee on the Judiciary.

Mr. Miller introduced

A bill to allow compensation to certain commissioners.

Which was read a first time and passed.

The Senate took up the consideration of

A bill to establish the county of Putnam, to perpetuate the name and public services of General Israel Putnam of the revolutionary war.

Mr. Turney moved to amend the 5th section of said bill, by inserting therein after the words, "William Gore," the words or "Mounce Gore."

Mr. Laughlin moved to amend the sixth section of said bill, by filling the blank therein, after the words, "by the name of," with the word "Monticello."

Mr. Turney moved the further amendment of said bill as follows:—and in no case shall any charge be made upon the State, for any costs or charges in establishing said county.

Which amendment severally being amended, were adopted.

And said bill as amended, was read a third and last time, and the question, "Shall said bill pass?" was had, and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed, and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill from the House of Representatives, to authorise the establishing of ferries on the Mississippi river.

Which was read a second time and passed.

On motion of Mr. Foster,

Said bill was referred to the Committee on the Judiciary.

The Senate took up the consideration of

A bill from the House of Representatives, to provide for supplying vacancies in the offices of county court clerk and register.

Which was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, to authorise chancellors to appoint special terms for holding chancery courts.

Which being read,

Mr. Johnson moved the following amendment to said bill:

SEC. 3. *Be it enacted*, That any of the judges of the circuit courts of this State are hereby authorised to appoint special terms, whenever in their opinion the public good requires it, as well during vacation as in term time, under the same rules and regulations, as now provided by law, in cases where the appointment is made in term time.

Mr Laughlin moved the following amendment to said amendment:—"That said special term may be appointed either for the trial of criminal or civil causes, or both at the discretion of the judge."

Mr. Johnson accepted said amendment.

And said amendments being read, were adopted.

And said bill, as amended, was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives to provide for the election of the town constable for the town of Jackson by the qualified voters of said town.

Which was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives, to repeal an act entitled an act to incorporate the town of Madisonville, in the county of Monroe.

Which was read a first time and passed.

The Senate took up the consideration of

A bill from the House of Representatives to authorize the County Court of Monroe county, and other counties, to make appropriations in certain cases.

Which was read a first time and passed.

The Senate took up the consideration of

A bill from the House of Representatives to make compensation to Robert Tunnell, late Surveyor of the Hiwassee District.

Which was read a first time and passed.

And on motion of Mr. Gardner,

Was referred to the Committee on Claims.

The Senate took up the consideration of

A bill from the House of Representatives to amend the act of 1831, chapter 24.

Which was read a first time and passed.

And, on motion of Mr. Foster,

Was referred to the Committee on the Judiciary.

The Senate took up the consideration of

A bill from the House of Representatives to change the venue in civil causes in certain cases.

Which was read a third and last time.

And the question, "Shall said bill pass?" was had, and determined in the affirmative—ayes 21, nays 1.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Peyton, Powell, Reneau, Sevier, Waterhouse, Warner, and Mr. Speaker Turney—21.

Senator Nelson voting in the negative.

So said bill was passed upon its third and last reading.

Ordered, To be transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to amend the act of 1831, chapter 52, and of 1827, chapter 49.

Which was read a third and last time.

And the question, "Shall said bill pass?" was had, and determined in the affirmative.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Peyton, and Sevier—11.

Those who voted in the negative were,

Messrs. Martin, Matthews, Miller, Nelson, Powell, Reneau, Waterhouse, Warner, and Mr. Speaker Turney—9.

So said bill was passed upon its third and last reading.

Ordered, To be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to provide for the payment of justices' fees in certain cases.

Which was read a second time and rejected.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr Speaker: I am directed by the House of Representatives to inform the Senate that the House of Representatives is now awaiting their reception, in conformity with a resolution adopted in the Senate and concurred in by the House of Representatives on the first day of December, 1841, resolving that the Senate meet the House of Representatives in their Hall, on Friday, the 3d day of December, 1841, to elect a Senator to the Congress of the United States, to fill the unexpired term of the Hon. Felix Grundy, deceased.

And then he withdrew.

It being 12 o'clock, M., Mr. Laughlin moved that the Senate adjourn until 2 o'clock, P. M.

And the question thereon being had, it was determined in the negative—ayes 12, nays 12.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, Warner, and Mr. Speaker Turney—12.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Villiams—12.

So said motion to adjourn was rejected.

Mr. Nelson presented the following:

The House of Representatives having informed the Senate, by their clerk, Mr. Mitchell, that under the joint resolution of the present General Assembly, passed and adopted on the 1st day of December, 1841, prescribing that the Legislature shall, upon the 3d day of December, 1841, meet in the Representative Hall to elect a Senator to the Congress of the United States, to fill the vacancy occasioned by the death of the Hon. Felix Grundy, they are ready to receive and meet the Senate in the Hall of the House of Representatives, upon the 3d day of December, 1841, to go into said election.

The Senator from Knox moved that the Senate do now repair to the Representative Hall, under said resolution, and go into said election.

Which being read,

The ayes and nays on said motion being demanded, was determined in the negative—ayes 12, nays 12.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, Warner, and Mr. Speaker Turney—12.

So said motion was rejected.

Mr. Martin moved a call of the Senate, which was had, and resulted in Senators present 12, Senators absent 13.

Senators present were, Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Waterhouse, Warner, and Mr. Speaker Turney—12.

Senators absent—Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Ross, (from severe sickness and indisposition, as reported by Senator Martin,) Sevier, and Williams—13.

Mr. Johnson moved that the Door Keeper be sent after absent members, and request their attendance in the Senate chamber.

On motion of Mr. Johnson,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, December 4, 1841.

Mr. Miller moved that the roll of the Senate be called.

Which was had—resulting in Senators present 14, Senators absent 11.

Senators present were, Messrs. Gardner, Hardwicke, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—14.

Senators absent—Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—11.

Mr. Laughlin moved that the Door Keeper of the Senate be sent after absent Senators, and that he respectfully request their presence and attendance in the Senate chamber.

The Door Keeper of the Senate returned to the Senate chamber and presented to the Speaker of the Senate the following communication in writing, from absent members of the Senate, in the following words, to wit:

Representative Hall, Dec. 4, 1841.

Mr. Speaker Turney,

Sir:—The undersigned Senators having, upon yesterday, in obedience to the two joint resolutions of the General Assembly, adopted on the 1st of December, 1841, requiring the two Houses to convene in the Representative Hall, to elect two Senators to the Congress of the United States, met the House of Representatives to go into said election, and said convention not having completed said election, adjourned over to meet in the Representative Hall under said resolution, at 9 o'clock this day; the undersigned Senators, under a sense of duty, feel themselves bound to meet this day in convention, with the House of Representatives, and are now in their Hall, waiting the attendance of yourself and the other absent Senators to go into said election. When they shall be discharged from the performance of the high constitutional duty devolved upon them by said resolution, and the constitution and law of the land,

they will attend in the Senate chamber to discharge the ordinary duties of legislation required of them.

We are, very respectfully,
Your obedient servants,

ROB'T C. FOSTER, Jr.
H. BRADBURY,
JOHN R. NELSON,
JOHN B. ASHE,
H. FREY,
J. H. PEYTON,
WM. WILLIAMS,
LEWIS RENEAU,
V. SEVIER,
THOS. R. JENNINGS,
WM. LEDBETTER.

On motion of Mr. Martin,

There being thirteen Senators present, unanimously adjourned until to-morrow morning, 9 o'clock.

MONDAY, DECEMBER 6, 1841.

Mr. Ross moved a call of the Senate.

Which being had, resulted in Senators present and answering, Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Sevier, Waterhouse, Warner, and Mr. Speaker Turney—15.

Senators absent—Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, and Williams—10.

Mr. Hardwicke in the Chair.

The Door Keeper of the House of Representatives appeared within the bar of the Senate, and presented to the Speaker in the chair a paper in writing, purporting to be transmitted to the Senate from the House of Representatives, which writing was without date, and having no name subscribed thereto.

Whereupon, the Senate refused to take any action upon said communication.

Mr. Powell moved a call of the Senate.

Which was had—Senators present 13—Senators absent 12.

Senators present were, Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Senators absent were, Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams —12.

The Senator from White moved that the Senate adjourn until to-morrow morning, 9 o'clock.

Mr. Laughlin moved a call of the Senate.

Which was had, and resulted in Senators present 13, Senators absent 12.

Senators present were, Messrs. Gardner, Hardwicke, Johnson, Laugh-

lin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warren, and Mr. Speaker Turney—13.

Senators absent were, Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The Senator from White withdrew his motion for the Senate to adjourn.

Mr. Laughlin moved a call of the Senate.

Which was had, and resulted in Senators present 15, Senators absent 10.

Senators present were, Messrs. Ashe, Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—15.

Senators absent were, Messrs. Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—11.

Mr. Warner moved that the time of adjournment be specially put down upon the journal—and that the Senate adjourn.

It being 45 minutes past 11 o'clock, A. M., the Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, DECEMBER 7, 1841.

Mr. Matthews moved a call of the Senate.

Which was had, resulting in Senators present, Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

Senators absent, Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Mr. Hardwicke in the Chair.

Mr. Turney presented a communication from twelve honorable Senators in the Legislature of the State of Tennessee.

Mr. Warner moved a call of the Senate.

Which was had, resulting in Senators present, Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, and Williams—23.

Senators absent, Mr. Jennings and Mr. Speaker Turney—2. Mr. Speaker Turney absent on leave.

Mr. Ross moved the Senate, and leave was granted to record his vote in favor of rejecting a resolution submitted by the Senator from Knox, proposing that the Senate repair to the House of Representatives on Friday, the 3d instant, to elect a Senator to the Congress of the United States, to fill the unexpired term of the Hon. Felix Grundy, deceased, in conformity with a resolution adopted by the Senate, and concurred in by the House of Representatives on the 1st instant.

Which being considered by the Senate, said mot on prevailed.

Mr. Waterhouse presented the memorial of John Hoyal and Thomas McCallie, praying relief, relative to a mistake made in entering a tract of land in the Ocoee District, that the consideration money for said land be refunded with interest.

Which being read,

On motion of Mr. Waterhouse,

Was referred to the Committee on Claims.

Mr. Waterhouse presented an account of Andrew Brittain, jailor of Rhea county, relating to fees accruing upon the confinement of John Kelleon, and Hezekiah Eartrage, confined in said jail on a charge for horse stealing, and who escaped from said jail before trial, and are now running at large.

And said account being read,

On motion of Mr. Waterhouse,

Was referred to the Committee on Claims.

Mr. Frey presented a communication of the President and Directors of the Branch Bank of Tennessee, at Clarksville, with accompanying documents, relating to said institution, in obedience to a resolution of the Senate, heretofore adopted.

Which being read, was,

On motion of Mr. Frey,

Laid on the table.

Mr. Ashe presented the memorial of gentlemen Attorneys at law, practicing in the Circuit Court of Tipton county, praying that Tipton county be re-attached to the 10th Judicial Circuit.

Which being read, was,

On motion of Mr. Ashe,

Ordered, To be transmitted to the House of Representatives.

Mr. Johnson submitted the following:

1st. *Resolved by the General Assembly of the State of Tennessee*, That there be a joint select committee appointed, to consist of two members on the part of the Senate, and three on the part of the House of Representatives, to be chosen from the eastern portion of the State, whose duty it shall be to take into consideration the expediency and constitutionality of ceding one of the grand divisions of the State, (commonly called East Tennessee,) to the General Government, for the purpose of being formed into a sovereign and independent State, to be called "the State of Frankland."

And said committee shall report by bill or otherwise.

2d. *Resolved*, That his Excellency the Governor, James C. Jones, be, and he is hereby required to open and hold a correspondence with the Governors of the States of Georgia, North Carolina, and Virginia, for the purpose of ascertaining their opinions in relation to the ceding a portion of the territory of their respective States, to the General Government, to be included in the State of Frankland, when formed, and for the further purpose of respectfully requesting them to lay the subject before their respective Legislatures, at their next ensuing session.

Which being read, was,

On motion of Mr. Johnson,

Laid on the table.

Mr. Jennings introduced

A bill to incorporate the Sycamore Manufacturing Company.

Which was read a first time and passed.

On motion of Mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the consideration of

A bill from the House of Representatives, for suppling vacancies in the offices of County Court Clerk and Register.

Which being read, was.

On motion of Mr. Warner,

Laid on the table.

The Senate took up and considered

A bill from the House of Representatives, to authorise Chancellors to appoint special terms for holding Chancery Courts.

Which was read a third and last time,

When Mr. Foster asked and obtained leave to withdraw said bill for amendment.

Mr. Foster returned

A bill from the House of Representatives, to authorise Chancellors to appoint special terms for holding Chancery Courts, by him withdrawn for amendment, with the following amendment to wit:

"And when any Circuit Judge shall, under this act, appoint a special term of the Court to be holden, it shall be the duty of the pannel of jurymen, summoned to, and attending said regular term of the Court, when said order for the special term is made, to attend said special term of the Court so ordered."

Which amendment being read,

Was adopted.

And said bill, as amended, was read a third and last time.

And the question recurring on the passage of said bill was had, and determined in the affirmative—ayes 13—nays 8.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Powell, Reneau, and Sevier—13.

Those who voted in the negative were,

Messrs. Bradbury, Matthews, Miller, Motley, Nelson, Waterhouse, Warner, and Williams—8.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrolment.

Mr. Gardner introduced

A bill to amend the act of 1831, chapter 24, in relation to the granting of letters of administration, or letters testamentary, on the estates of non resident testators and intestates.

Which was read a first time and passed.

The Senate took up and considered

A bill from the House of Representatives, to provide for the election of the town constable for the town of Jackson, by the qualified voters of said town.

Which bill was read a third and last time.

And the question, Shall said bill pass? being had,

Was determined in the affirmative.

So said bill passed on its third and last reading, and was ordered to be transmitted to the House of Representatives for enrolment.

The Senate took up and considered

A bill from the House of Representatives, to repeal an act entitled an act to incorporate the town of Madisonville, in the county of Monroe.

Which bill was read a second time and passed.

The Senate took up and considered

A bill from the House of Representatives, to authorise the county court of Monroe county, and other counties, to make appropriations in certain cases.

Which bill was read a second time and passed.

The Senate took up and considered

A bill concerning forge or mill dams in Holston river.

Which bill was read a second time and passed.

The Senate took up the consideration of

A bill concerning clerk's fees in certain cases.

Which was read a second time, when

Mr. Nelson moved the indefinite postponement of said bill.

And the question being had thereon, was determined in the affirmative—ayes 15—nays 5.

The ayes and nays being demanded by Mr. Nelson,

Those who voted in the affirmative were,

Messrs. Bradbury, Frey, Gardner, Jennings, Laughlin, Maclin, Matthews, Miller, Motley, Nelson, Reneau, Sevier, Waterhouse, Warner, and Williams—15.

Those who voted in the negative were,

Messrs. Foster, Hardwicke, Johnson, Martin, and Powell—5.

So said bill was indefinitely postponed.

The Senate, on motion of Mr. Gardner,

Took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House of Representatives, that the committee on the part of both Houses of the General Assembly on the subject of Agriculture and Manufactures, be a joint committee.

Which being read,

Was concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Gardner introdueed

A bill to make valid the registration of deeds, in certain cases.

Which bill was read a first time and passed, and

On motion of Mr. Gardner,

Referred to the Committee on the Judiciary.

Mr. Jennings submitted the following:

Whereas, it is inconsistent with the duties and the maxims of a Republican Government, to disregard and make no effort to allay complaint and dissatisfaction excited in any respectable and important class of citizens, by any measure of public policy.

And whereas, The present mode of employing the convicts confined in the Penitentiary of this State, has created a feeling of oppression

which pervades several of the most essential callings in the community.

Whereas, too, Mechanical industry in a commonwealth like ours, where it is compelled to bear the whole burden of an unrestricted competition with the same species of industry in older communities, having the almost incalculable advantages of a greater accumulation of capital, is peculiarly liable to injury and depression, where the Government interfers with the limited market, to which, by the force of circumstances it is thus confined.

And whereas, there are now, as there will probably be for years to come, many articles of convenience and utility, of which the people of this State derive their whole supply from abroad, and which might therefore be made and sold at the penitentiary, without injury to the mechanics of the State, and greatly to the benefit of the farmers, who produce, or have already in possession, the raw materials out of which such articles are constructed.

And whereas, a manufactory of rope and bagging, because of extensive market for its product, can be established in the penitentiary, with the assent of those who might otherwise feel, but for the reason just stated, disregard the competition, which they would thus be compelled to encounter.

And whereas, the same manufacture would tend greatly to the benefit of the agricultural portion of the community, by providing a ready market for hemp, and thereby promoting the culture of that important product, and would besides, insure to the State a larger profit on the labor of each convict, than is derived from the present modes of employment.

And whereas, it is a subject of loud and of proper complaint, that convicts, who by sentence of law, are to be confined to hard labor within the walls of the State prison, should be daily led into the streets of the metropolis, thereby to give to condemned felons illegal facilities for escape, and at the same time to make a most unwarrantable and oppressive encroachment on a field of employment, where honest industry cannot, without an act of despotism be obstructed in seeking its just reward.

And whereas, fluctuating rates of charges, and long and undefined terms of credit in dealings at the penitentiary have done injury to the mechanical industry of the State, and have been the occasion of much loss to the public treasury.

And whereas, articles of mechanic manufacture made in the penitentiary of other States are constantly imported into the State of Tennessee, and there sold, at the same time that no effort is made to equalise this system of oppression, growing out of the condition of things by any arrangement, which might consign the manufactures of our own prison to a market, where their sale would not give rise to any injurious competition with the labor of our own citizens. Therefore be it

Resolved by the General Assembly of the State of Tennessee, That the Inspectors of the Penitentiary be, and they are hereby, required to observe the following directions in regard to the future management of the institution, viz:

1st. To withdraw the convicts as soon as suitable arrangements for the change can be made, from all employments which conflict with the mechanical industry of the State, and in the room of such employment to substitute others, the produce of which will consist of articles that are now supplied to this State by importations from other States, or from foreign countries.

2d. To establish in the penitentiary a manufactory of rope and bagging, on a scale as extensive as the condition present and prospective of the institution will seem to justify, and for that purpose to make by means of the labor of the convicts such an extension of the walls of the prison as is recommended in the report made by the Inspectors and Agent of the Penitentiary, to the present General Assembly.

3d. To forbid the keeper and every other officer of the penitentiary to lead any one or more of the convicts out of its walls for any other purpose than to assist in bringing in materials for the use of the institution, or to do work, either on the grounds attached to it, or on the building itself and its appurtenances.

4th. To fix a rate of prices for labor done, and articles manufactured at intervals of four months, which shall be kept posted up in writing in some conspicuous part of the office of the institution, and shall in no case be reduced so low as to establish an unfair and ruinous competition with any species of pursuit in the vicinity of the institution.

5th. To refuse credits on the books of the prison for any sum under twenty-five dollars, to require of the agent in every instance, where it is practicable, that he have the claims of the institution evidenced by promissory notes, and that without a special order of the Board of Inspectors to the contrary, he institute suits for the collection of all sums over twenty-five dollars, and under fifty dollars, that may have been due to the institution for the term of four months, and shall pursue a similar course in regard to all sums over fifty dollars, and under two hundred dollars, that may have been due six months, and shall in no case procrastinate steps to compel payment beyond a period of eight months.

6th. To establish agencies for the sale of articles manufactured in the penitentiary, at such points beyond the limits of the State as will afford a ready and profitable market, care being taken to select for this purpose such places as rely upon importation for their supply of goods, that are of mechanical manufacture.

Which being read,

The rule was suspended, and,

On motion of Mr. Jennings,

Referred to the Special Committee.

On motion of Mr. Waterhouse,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, DECEMBER 8, 1841.

Mr. Waterhouse presented the petition of 83 citizens of the county of Marion, praying that Benjamin Lewis and George Lewis be released from the payment of a judgment final upon a recognizance by them entered into for the appearance of a certain David Lewis, on a charge for larceny, before the Circuit Court of Marion county.

Which being read, was,

On motion of Mr. Waterhouse,

Ordered to be transmitted to the House of Representatives.

Mr. Hardwicke presented the following:

Resolved, That the President, Directors, & Co. of the Bank of Tennessee furnish the Senate with a copy, or a statement of their by-laws or internal regulations, relative to, or in any manner touching the renewal of accommodation notes due said Bank, and whether they have a regular discount day or days in every week, for that purpose, and whether the borrowers are required to pay or renew their notes until they are due, or until three days thereafter, known as the days of grace, and if the borrowers are not invariably charged interest for the three days of grace allowed as aforesaid.

Which being read,

Was laid on the table.

The Senate took up the consideration of

A bill from the House of Representatives, to provide for supplying vacancies in the offices of county court clerk and register.

Which bill was read a third and last time, when

Mr. Hardwicke offered the following amendment:

After the words "compos mentus;" by inserting the words "or shall be rendered wholly unable by affliction or otherwise, ever to discharge the duties of said office."

Which being read and considered by the Senate,

Said amendment was rejected.

The question then recurred upon the passage of said bill,

Which being had, was determined in the negative—ayes 0--nays 23.

The ayes and nays being demanded,

Those who voted in the affirmative were, none.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, and Williams—23.

So said bill was rejected on its third and last reading.

Ordered, That the clerk transmit said bill to the House of Representatives, and acquaint the House therewith.

The Senate took up the consideration of

A bill from the House of Representatives, to authorise the county court of Monroe county and other counties, to make appropriations in certain cases.

Which bill was read a third and last time.

When Mr. Gardner offered to amend said bill, by striking out the

word "original," after the words "members of the" and by striking out the word "heretofore" after the words "for said county," and further to amend said bill by adding thereto the words "or counties under the provisions of the act of 1835, organizing the Judiciary."

Which being read,

Said amendment was adopted.

The question then recurred on the passage of said bill as amended,

Which was had, and determined in the negative—ayes 8—nays 18.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Miller, Peyton, and Ross—8.

Those who voted in the negative were,

Messrs. Frey, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Motley, Nelson, Powell, Reneau, Sevier, Waterhouse, Warner, and Williams—16.

So said bill was rejected on its third and last reading.

Ordered, That the clerk transmit said bill to the House of Representatives, and acquaint the House thereof.

The Senate took up the consideration of

A bill from the House of Representatives, to repeal an act entitled an act to incorporate the town of Madisonville, in the county of Monroe.

Which bill was read a third and last time,

And the question, Shall said bill pass? was had, and determined in the affirmative.

So said bill was passed on its third and last reading, and ordered to be transmitted to the House of Representatives for enrolment.

His Excellency James C. Jones, Governor of the State of Tennessee, transmitted to the Senate by John S. Young, Esq., Secretary of State, the following message:

EXECUTIVE DEPARTMENT,
Nashville, Dec. 8, 1841.

Gentlemen of the Senate
and House of Representatives:

I have received the report of the South Western Rail Road Bank at Charleston, and also the Branch of that Bank at Knoxville, both of which are herewith transmitted.

Which was laid on the table.

Mr. Gardner introduced

A bill to amend an act passed February 15th, 1836, chapter 43.

Which bill was read a first time and passed, and

On motion of Mr. Gardner,

Referred to the Committee on the Judiciary.

The Senate, on motion of Mr. Maclin,

Took up the consideration of the report of the Farmers' and Merchants' Bank at Memphis, the report of the Bank of Tennessee, the report of the Comptroller of the Treasury.

Mr. Maclin moved that said several reports be printed.

Mr. Laughlin moved to amend said motion, by adding that 1500 copies of each be printed.

Mr. Warner moved a division of the question.

Which motion prevailed.

The question then recurred upon printing the report of the Comptroller of the Treasury, which was determined in the affirmative—ayes 16—nays 9.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Motley, Powell, Ross, Sevier, Waterhouse, and Warner—16.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Ledbetter, Martin, Nelson, Peyton, Reneau, Williams, and Mr. Speaker Turney—9.

So said motion to print the report of the Comptroller of the Treasury prevailed.

The question then recurred upon the motion of Mr. Laughlin to print 1500 copies of said report.

Which being considered, and the sense of the Senate thereon had, was rejected.

Mr. Ross moved that 1000 copies of the report of the Comptroller of the Treasury be printed,

Which was determined in the affirmative—ayes 14—nays 11.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Sevier, Waterhouse, and Warner—14.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Frey, Ledbetter, Martin, Motley, Nelson, Peyton, Reneau, Williams, and Mr. Speaker Turney—11.

So said motion prevailed.

The question then recurred upon the motion of Mr. Maclin, to print the report of the Farmers' and Merchants' Bank of Memphis, and the Bank of Tennessee.

Which being considered of by the Senate,

Was adopted.

Mr. Martin moved that 100 copies of the reports of said banks, respectively, be printed.

Mr. Turney moved to postpone indefinitely the whole subject-matter relating to the printing of said reports of the Farmers and Metchants' Bank of Memphis and the report of the Bank of Tennessee.

Mr. Warner moved to lay the subject on the table.

Which being considered was determined in the negative—ayes 11—noes 14.

The ayes and noes being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Frey, Jennings, Martin, Peyton, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Foster, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Powell, Reneau, and Ross—14.

So said motion to lay on the table was rejected.

Mr. Maclin moved that 500 copies of the reports of said Banks respectively, be printed.

Mr. Hardwicke moved that 750 copies of said reports be printed, instead of 500.

The question then recurred on the motion of Mr. Hardwicke.

Which being had, was determined in the negative—ayes 9—nays 16.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Jennings, Laughlin, Maclin, Matthews, Miller, Ross, and Sevier—9.

Those who voted in the negative were,

Messrs. Ashe, Bradbury, Foster, Frey, Johnson, Ledbetter, Martin, Motley, Nelson, Peyton, Powell, Reneau, Waterhouse, Warner, Williams, and Mr. Speaker Turney—16.

So said motion to print was rejected.

Mr. Turney moved that the whole matter relative to printing said several reports be laid on the table until the coming in of the Report of the Committee on Banks

Which being considered, said motion prevailed.

So the whole matter was laid on the table.

The Senate took up the consideration of

A bill concerning forge or mill dams on Holston river.

Which was read a third and last time.

And the question, "Shall said bill pass?" being had, was determined in the affirmative.

So said bill was passed upon its third and last reading.

Ordered, To be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a petition of 260 citizens of Henderson county, praying a law to be passed modifying the law of 1837–8; also, a petition of 50 citizens of Henderson county, praying that the tippling act of 1837–8 may not be repealed.

Also, two petitions from citizens of Gibson county, remonstrating against the repeal of the tippling act of 1837–8.

Also, a petition from citizens of Sumner and Smith counties praying that a new county be established; also, one other petition from citizens of Sumner and Smith counties praying that a new county be established.

Which petitions, severally, I am directed to transmit to the Senate for its consideration.

The Speaker of the House of Representatives did this day sign an enrolled bill, entitled "an act giving further time for making surveys and

obtaining grants on entries heretofore made;" which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

A message from the House of Representatives, transmitted by Mr. Mitchell, their clerk, on the 3d day of December, 1841, and which the clerk of the Senate on that day omitted enrolling on the journal:

MR. SPEAKER: I am directed to transmit to the Senate the petition of sundry citizens of Marshall county, relating to school lands in range 2, section 3.

Also, a bill to amend the law in relation to common schools in Lincoln county.

Also, a bill to appoint guardians for infants in certain cases.

Which bills were read a third and last time in the House of Representatives, which I am directed to transmit to the Senate and ask its concurrence therein.

Also, a bill of the House of Representatives, read a third and last time in the Senate, with amendments made thereto by the Senate, in which amendments the House of Representatives concur.

Also, a resolution directory to the Committee on Banks, adopted by the House of Representatives, in which I am directed to ask the concurrence of the Senate.

And then he withdrew.

The Senate took up and considered

A bill to amend the act of 1831, chapter 24, in relation to the granting of letters of administration, or letters testamentary, on the estates of non-resident testators or intestates.

Which was read a second time and passed.

The Senate took up the consideration of

A bill to allow compensation to certain commissioners.

Which bill was read a second time.

And the question upon the passage of said bill on its second reading, being had, was determined in the affirmative—ayes 14, noes 9.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Martin, Matthews, Miller, Peyton, Powell, Waterhouse, and Mr. Speaker Turney—14.

Those who voted in the negative were,

Messrs. Bradbury, Frey, Maclin, Motley, Nelson, Reneau, Sevier, Warner, and Williams—9.

So said bill was passed upon its second reading.

Mr. Warner moved that the Senate take up

A bill to remove the seat of government from Nashville

Which motion Mr. Warner afterwards withdrew, there not being a full Senate.

On motion of Mr. Ross,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Foster,
The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, DECEMBER 9, 1841.

Mr. Matthews presented the petition of John Holynum, praying that a law be passed authorising him to enter a tract of land as an occupant claim, in the county of Lawrence.

Which being read, was,
On motion of Mr. Matthews,
Referred to the Committee on Ways and Means.

Mr. Ashe presented a petition of sundry citizens of Tipton county, relating to Covington Academy, praying that it may receive the amount of money for the years 1840–41, and protesting against the right of Randolph Academy to receive any portion of said Academy fund.

Which was read, and,
On motion of Mr. Ashe,
Was ordered to be transmitted to the House of Representatives.

Mr. Maclin presented the petition of 56 citizens of the town of Lagrange, praying to be authorised to erect a jail in said town, in aid of the exertions of the corporation authorities of said town.

Which being read, was,
On motion of Mr. Maclin,
Ordered to be transmitted to the House of Representatives.

Mr. Jennings presented a communication from John S. Young, Esq., Secretary of State for the State of Tennessee, relating to services by him rendered, under an act of Assembly, passed January, 1840, chapter 252, in procuring and causing to be bound, journals of the Senate and House of Representatives, and the acts of the General Assembly, from the year 1801 up to 1839–40, inclusive, and for money expended in said service—asking for compensation for said services, and moneys expended.

Which being read, was,
On motion of Mr. Jennings,
Referred to the Committee on Claims.

The Senate, on motion of Mr. Gardner,
Took up the consideration of a resolution by him heretofore submitted, directory to the Secretary of State, relating to the adjudication of land warrant No. 1239, for 914 acres, issued by the Secretary of State of North Carolina to Jeremiah Bullock.

Which was read, and,
On motion of Mr. Gardner,
Laid on the table.

Mr. Williams submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be and he is hereby authorised to appoint an agent at Knoxville to examine and receipt for that portion of the journals intended to be distributed in East Tennessee.

Which being read,
Was laid on the table.
The Senate took up and considered
A bill from the House of Representatives to amend the law in relation to common schools in Lincoln county.
Which was read a first time and passed.
The Senate took up and considered
A bill from the House of Representatives to authorise the County Courts to appoint guardians in certain cases, and for other purposes.
Which bill was read a first time and passed.
Mr. Gardner submitted the following:
Resolved by the Senate of the General Assembly of the State of Tennessee, That John S. Young, Esq., Secretary of State, be and he is hereby required to report as early as convenient, the testimony produced before him by the heirs of Jeremiah Bullock, on the adjudication of warrant No. 1239, for 914 acres—referred to said Secretary of State for adjudication, by a resolution adopted the 30th January, 1840, and that said commissioner also report his opinion upon said testimony, as to the validity of said warrant, and the right of said heirs thereto, and that he report to the Senate the reasons why he could not adjudicate said warrant under said resolution.
Which being read,
The rule requiring resolutions to lie over one day was suspended, and said resolution adopted.
Ordered, That the clerk transmit to the Secretary of State a copy of said resolution and its adoption.
The Senate took up the consideration of
A bill to amend the act of 1831, chapter 24, in relation to the granting of letters of administration, or letters testamentary, on the estates of non-resident testators or intestates.
Which was read a third time.
Mr. Foster moved to amend said bill by striking out the second section thereof, as follows:
SEC. 2. *Be it enacted*, That so much of the act of 1831, chapter 24, which this act is intended to amend, as comes within the purview and meaning of this act, be and the same is hereby repealed.
Which being considered of by the Senate, said amendment was adopted, by striking out said second section.
And said bill was read a third and last time and passed.
And the question recurring on the passage thereof, was had and determined in the affirmative—ayes 18, nays 6.
The ayes and nays being demanded,
Those who voted in the affirmative were,
Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Motley, Peyton, Powell, Reneau, Sevier, and Mr. Speaker Turney—18.
Those who voted in the negative were,
Messrs. Maclin, Martin, Nelson, Waterhouse, Warner, and Williams —6.
So said bill was passed on its third and last reading.

Ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up the consideration of

A bill to allow compensation to certain commissioners.

Which was read a third time.

Mr. Nelson moved to amend said bill by striking out the word "two" occurring in said bill after the words "shall hereafter be allowed," and insert in lieu thereof the word "four."

Mr. Miller moved to lay said amendment on the table.

The ayes and nays being demanded by Mr. Nelson, was determined in the negative—ayes 10, nays 11.

The affirmative voters were,

Messrs. Gardner, Johnson, Laughlin, Martin, Matthews, Miller, Powell, Waterhouse, Warner, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Ashe, Bradbury, Frey, Jennings, Ledbetter, Maclin, Motley, Nelson, Reneau, Sevier, and Williams—11.

So said motion to lay on the table was rejected.

Mr. Martin moved to lay said bill and amendments thereto on the table.

Which motion prevailed.

So said bill and amendment offered thereto was laid on the table.

The Senate took up the consideration of

A bill to incorporate the Sycamore Manufacturing Company.

Which was read a second time.

Mr. Warner moved to amend said bill by inserting therein after the words "to wit:"

Be it enacted, That the property, both real and personal, of the individuals composing said company, shall be and the same is hereby made liable for the payment of the debts contracted by said company, or for any debt or debts contracted by their authority.

Which being read,

On motion of Mr. Jennings,

Said bill and proposed amendment was referred to the Committee on Agriculture and Manufactures.

The Senate took up the consideration of

A bill to appoint trustees in certain cases.

Which was read a second time, and,

On motion of Mr. Maclin,

Was laid on the table.

Mr. Williams submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Committee on the Judiciary be instructed to report a bill for the purpose of accepting the proposition of the Louisville, Cincinnati, and Charleston Railroad Company, to release the State of Tennessee from its liability to said company as a stockholder, to the amount of six hundred and fifty thousand dollars, upon the payment of two and a half per cent., the estimated expense of survey in the State of Tennessee.

Which being read,

Mr. Nelson moved a suspension of the rule requiring resolutions to lie over one day.

The question thereupon being had, was determined in the negative—ayes 10, nays 13.

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Powell, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Waterhouse, and Warner—10.

The affirmative voters being less than two thirds of the number of Senators present, as required by the rules, said motion to suspend said rule was rejected, and said resolution laid on the table.

FRIDAY, DECEMBER 10, 1841.

Mr. Gardner presented the following report from John S. Young, Esq., Secretary of State for the State of Tennessee:

SECRETARY OF STATE'S OFFICE, December 10, 1841.

To the Honorable Speaker of the Senate:

By a resolution adopted in the Senate, on the 9th instant, I am required to report the testimony presented to me, in support of the claims of the heirs of Jeremiah Bullock, to warrant No. 1239, from the State of North Carolina; also, to give my opinion of the testimony, the validity of the warrant, and the right of said claimants to it. I reply, that warrant 1239, for 914 acres of land, issued by the State of North Carolina, to Jeremiah Bullock, was presented to me properly authenticated, leaving no doubt upon my mind as to its validity. The heirs of Jeremiah Bullock it is said, reside in the State of North Carolina, there was no legal testimony presented to me as to who the legal heirs of Jeremiah Bullock are, nor was there any proof as to the facts, whether the right to warrant No. 1239 still remains in the heirs of Jeremiah Bullock, as required by the resoluton, adopted by the General Assembly, the 30th of January, 1840.

Being fully satisfied as to the validity of the warrant, and there being no reason to believe that it has been transferred, because with the transfer the warrant must have passed to other hands, under such a view of the case, I feel no hesitation in giving the opinion that the claim is a good one, and should be awarded to the heirs of Jeremiah Bullock, upon the single fact of the heirship being proved.

Very respectfully,

JOHN S. YOUNG,

Secretary of State.

Which was laid on the table.

Mr. Warner, Chairman, from the Committee on Claims, to whom had been referred an account of the jailor of Rhea county, for keeping in said jail, John Killion and Hezekiah Eastrage, on a charge of horse stealing, reports that said Committee have had the same under consideration, and that said Committee have directed him to report said claim

and the matter relative thereto, to be the subject matter for examination of the circuit court, as now fixed by law, and to recommend the rejection of said claim, and the Senate considering said report, concur thereon.

Mr. Waterhouse asked and obtained leave to withdraw the account of the keeper of the common jail of Rhea county, for the keeping of John Killion and Hezekiah Eastrage, in said jail, on a charge of horse stealing.

Mr. Warner, Chairman, from the Committee on Claims, to whom had been referred the report of the Secretary of State, in relation to the procurement of said Secretary of the acts and journals of the Senate and House of Representatives of the State of Tennessee, from the year 1801 to 1839 and 1840, inclusive, for services rendered, &c., under an act of the General Assembly, requiring said services, reports that the Committee have had said subject under consideration, and think the same reasonable and just, and that an allowance should be made therefor, and have directed him to report a bill and to recommend its passage.

Whereupon,

Mr. Warner, Chairman of said Committee, reported

A bill to allow the Secretary of State compensation for arranging and having bound certain acts and journals.

Which was read a first time and passed.

Mr. Warner, Chairman of the Committee on Claims, to whom had been referred " a bill from the House of Representatives, to refund to White county, the fines and forfeitures wrongfully paid to the Treasurer of the State," reports that said Committee have had the same under consideration, and deem its provisions just and proper, and have directed him to report said bill, and recommend its passage, and the Senate considering said report concurd therein.

The Senate took up and considered

A bill from the House of Representatives, to refund to White county, the fines and forfeitures wrongfully paid to the Treasurer of the State.

Which bill was read a second time and passed.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred " a bill for the relief of Wm. B. Young &Co.," reports that said Committee have had the same under consideration, and deem it proper and that relief should be afforded in cases, as in said bill set forth. That said Committee have directed him to report a bill in lieu of the whole bill referred to their consideration, and recommend its passage.

Which bill, as reported by the Chairman of said Committee, is as follows, to wit:

A bill to amend the act of 1835, chapter 13.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where the goods, wares, and merchandise of any retail merchant shall have been destroyed or lost in the act of opening said goods, wares, and merchandise by accident, or the act of an inscendiary, and before such merchant shall have procured a license under the sixth section of the act of 1835, chapter 13, and whereby such merchant or merchants shall have incurred the penalty of the sixteenth section of the

act of 1835, chapter 13, and shall, and is hereby released from any judgment or judgments that shall have been recovered against him or them, for the penalty prescribed in the sixteenth section of said act of 1835, chapter 13, *provided* such merchant or merchants shall pay all the costs of such judgment or judgments, and the Senate considering said report and bill, was adopted.

The Senate took up and considered

A bill to amend the act of 1835, chapter 13.

Which was read a second time and passed.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred "a bill to provide for the payment of costs in prosecutions, which have abated by the death of defendant," reported that said Committee have had the same under consideration, and think the provisions therein contained are unreasonable, and have directed him to report said bill and recommend its rejection; which being considered of by the Senate is concurred in.

And said bill was read a second time; and the question, "Shall said bill pass?" was had, and determined in the negative.

So said bill was rejected upon its second reading.

Mr. Foster, Chairman, from the Committee on the Judiciary, to whom had been referred "a bill to make valid the registration of deeds in cereases and for other purposes," reported that said Commitee have had the same under consideration, and are of opinion that its provisions are improper, and should not be passed, and have directed him to report said bill, and recommend its rejection.

Which report being considered of by the Senate, is concurred in.

Mr. Gardner moved the following amendment:

And provided, that in no case shall a certified copy of deeds registered as aforesaid, be received in evidence, until it is proven to the satisfaction of the court, that the original deed is lost or mislaid, but in all cases in the absence in the absense of such proof, the production of the original deed in evidence shall be required by the court.

Which being read, and considered of by the Senate, said amendment was rejected.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred "a bill from the House of Representatives, to amend the laws of Tennessee upon the subject of depositions," reported that the Committee have had the same under consideration, and are of opinion that the provisions therein contained are improper, and should not be passed, and have directed him to report said bill, and recommend its rejection.

Which report being considered of by the Senate, is concurred in.

Whereupon,

Said bill was read a second time and rejected.

Ordered, That the clerk transmit said bill to the House of Representatives and acquaint the House of its rejection.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The Speaker of the House of Representatives, did this day sign an enrolled bill entitled "an act to change the venue of

civil causes in certain cases," which I am directed to transmit to the Senate, for the signature of the Speaker of the Senate.

And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled act, and ordered the same to be deposited in the office of the Secretary of State, for the State of Tennessee.

Mr. Williams, Chairman, from the Committee on Agriculture and Manufactures, to whom had been referred "a bill to encourage domestic manufactures," reported that said Committee have had said bill under consideration, and said Committee think its provisions proper, and that said Committee have directed him to report said bill with an amendment herewith, and with said amendment, recommend its passage; which amendment is as follows: after the words in said bill, "making lead into shot or bars," insert the words, "or of engaging in any other species of manufactures; which amendment being considered of by the Senate, is concurred in, and said amendment adopted.

Mr. Laughlin moved to lay said bill on the table.

Which motion he afterwards withdrew.

Mr. Reneau moved that twenty-five copies of said bill be printed for the use of the Senate.

Which motion prevailed.

Mr. Laughlin renewed his motion to lay said bill, as amended, on the table.

Which motion prevailing,

Said bill, as amended, was laid on the table.

Mr. Speaker Turney submitted the following as his protest, and asked the Senate to order the same to be enrolled upon the journal of the Senate.

Which is as follows:

I protest against the proceedings of the Senate relative to the resolution to go into the election of Senators on the second and third days of December, 1841.

1st. Because that on the said second day of December, 1841, after the Senate had been notified by the House, that the House was ready to receive them, to go into the said election according to the said resolution, a motion was made that the Senate now meet the House, to go into the said election, and was by the Senate decided in the affirmative, that is, that the Senate would now meet the House, to go into the said election, when the twelve Senators who had previously voted against the resolution, and against the motion to meet the House, then and there refused to participate with the other portion of the Senate, and refused to leave the Senate chamber, and separated from the Senate by remaining in the chamber, by reason whereof the said election was postponed for want of a quorum, according to the constitution, to go into said election, until the afternoon of the 3d of December, 1841.

2d. Because on the said 3d day of December, the day to which said election was adjourned, the Senate was notified that the House was ready to receive them to go into the election of a Senator, according to the resolution, to go into an election on that day. The Senate was then calling the roll on a motion to adjourn, it then being the usual hour of ad-

journment for dinner. I then stated to the Senate that I was in favor of adjourning until 2 o'clock, and then the other election which had been adjourned on the day previous to the afternoon of that day, could also be acted upon, and that by doing so it would save the public time and trouble of going twice, that if gentlemen would wait until then I was willing to go, but that I should vote against going now, but the motion was pressed, and the vote taken, myself voting against it, with a view, as expressed, to take up the subject and go to the House according to the said resolution, at 2 o'clock in the afternoon, and the Senate decided in the negative, that is, that they would not go, twelve of the Senators voting against it, with a view, as I believe, to defeat the election in the form prescribed by said resolution, but the said twelve who had voted in favor of repairing to the House immediately, instantly against the vote of the Senate, leaving the Senate in session, left myself and the other twelve therein, thereby placing in the power of the said twelve Senators to adjourn the Senate until the next day, by which the said resolutions were totally defeated, because the Senate being adjourned there was no Legislature in session, so that it was impossible for the Senators to meet the House in the afternoon, as prescribed by the said resolution.

The Senators here, who left the House or chamber, will do me the justice to say, that I had no knowledge of their intention to leave the Senate chamber at the time they did, contrary to the vote of the Senate. If I had been advised that they would have done so, I should, though I did not wish to do it, have voted with them, rather than so unpleasant and unusual a thing should have taken place, and I would have went with them; indeed I could have had no motive to the contrary, because it was believed from the previous conduct of the other Senators, that they were determined to persist in their opposition, and having decided the previous day that nothing could be done without a constitutional quorum, which opinion I had not heard questioned, and as to the whether I could go or stay, could have no possible effect upon the question, and when called upon by the twelve to meet them in the House where they were, I could see no possible constitutional way for me to meet the House after the Senate had adjourned until after the time of meeting had elapsed. If the said twelve Senators had obeyed the vote of the Senate and staid with me in the chamber until the Senate would adjourn, I could, by their assistance, have adjourned the Senate until the afternoon, and I could have legally complied with the said resolution, as far as my presence could have done. So I believed that the said Senators did not have any design in leaving the Senate contrary to the vote thereof, or any intention of doing so, until the moment they did so. The motives of the parties are unknown to me, but I respectfully ask their permission to say that I had been from time to time called upon by the Senators, as if calling upon a Hercules, as if all power was concentrated in me, exciting expressions haev been reiterated against me, from day to day, political javelins were hurled at my head from all quarters, I was made the pivot on which all was to turn, and my shoulder to the wheel, and there was full confidence of success. Entertaining for myself no constitutional scruples, and having a desire to act in accordance with the will and wishes of a majority of my district, I attempted to shoulder the load, and stagger-

ing under its weight, was then defeated, and upon a principle natural to all, that when an object is desirous, and we have an agent in whom we have implicit confidence, and are persuaded can perform it, the failure of the agent is an attack upon our judgment, and he is already condemned, without regard to the obstacles by which he was defeated, or the faith with which he acted, but his failure will be attributed to bad motives, whatever may be the evidence. I was already condemned and sentenced, denounced from all quarters, after the twelve Senators had refused to act. I was satisfied nothing could be done, and that it would be a useless waste of public time and money, and productive of nothing but excitement, and bad feeling to pursue it further; its termination has proved that I was right. I now submit myself to the unprejudiced portion of my fellow-citizens, who are free from party prejudice, who I hope will readily perceive and determine upon my motives and actions, to whose judgment alone will I have regard. I may have erred, a thing which we are all subject to, but if so, I am not aware of such error.

SAM. TURNEY.

Which being read,

Was enrolled upon the journal of the Senate.

The Senate, on motion of Mr. Turney,

Took up and considered the report of the Inspector and Superintendent of the Penitentiary,

Which was ordered to be transmitted to the House of Representatives.

The Senate, on motion of Mr. Williams,

Took up and considered a resolution by him submitted on yesterday, relating to a proposition of the President, Directors, & Co. of the Louisville, Cincinnati, and Charleston Rail Road Company, to surrender the charter of said rail road, within the limits of the State of Tennessee, upon the condition therein named.

Which being read,

Mr. Williams moved to amend said resolution, by striking out 2½ per cent. and inserting in lieu thereof, "2 4-10 per cent." two dollars and forty cents per share.

Mr. Warner moved to amend said amendment by inserting in lieu thereof, "1½ per cent."

Which motion Mr. Warner afterwards withdrew.

On motion of Mr. Williams,

Said resolution was laid on the table.

On motion of Mr. Hardwicke,

The Senate adjourned until 3 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered

A bill from the House of Representatives, to amend the law in relation to common schools in Lincoln county.

Which bill, on motion of Mr. Warner,

Was laid on the table.

The Senate took up and considered

A bill from the House of Representatives, to appoint guardians for infants, in certain cases, and for other purposes.

Which was read a second time.

Mr. Laughlin moved to amend said bill, by striking out the words "on the recommendation of the wife."

Which being considered of by the Senate,

Said amendment was adopted.

Mr. Foster moved the following amendment to said bill:

After the words "at the time the husband abandoned her," insert the words "if it shall be made appear to the satisfaction of the court that the husband abandoned his wife without reasonable cause."

Which being read and considered,

Said amendment was adopted.

Mr. Laughlin moved further to amend said bill, by striking out the following:

After the words "and education of child or children," "or the court may commit the custody and guardianship of such child or children to some other person. *Provided*, that in cases where application shall be made by the wife for a divorce, the court shall be of opinion on the final hearing of the cause that such divorce ought not to be granted, and shall so decide, it shall be lawful for the court to direct the custody and guardianship of the children to be restored to the father.

And provided further, That nothing herein contained shall be so construed as to make it imperative upon the court to take away the custody and guardianship of the children from their father."

Which being read and considered of by the Senate,

Said amendment was adopted.

Mr. Maclin moved the indefinite postponement of said bill.

Which motion he afterwards withdrew.

Said bill, as amended, was read a second time and passed.

The Senate, on motion of Mr. Hardwicke,

Took up the consideration of

A bill to divide the State into Senatorial and Representative districts.

The Senate, on motion of Mr. Foster,

Resolved itself into committee of the whole upon the bill to divide the State into Senatorial and Representative districts.

Mr. Frey in the chair.

Mr. Turney moved that said bill be read.

Which being done,

Mr. Hardwicke moved that the committee take up and consider said bill by districts and sections.

Which motion prevailed.

The first district composed of the counties of Carter, Johnson, Sullivan, and Washington.

Which being read,

Was adopted.

The second district, composed of the counties of Greene and Hawkins.

Which being read, when

Mr. Reneau moved the following amendment:

"The counties of Greene, Cocke, and Sevier, to compose the second Senatorial District."

Which being read,

Was rejected.

The question then recurred upon the adoption of the district in said bill mentioned.

Which being considered, was determined in the affirmative.

Mr. Williams moved to amend the second Senatorial district, by striking out the word "Greene," and insert in lieu thereof, the word "Grainger."

Which being read,

Was considered and rejected.

The third Senatorial district, composed of Jefferson, Blount, Cocke, and Sevier.

Which being read,

Mr. Reneau moved the following amendment thereto, the counties of Jefferson and Hawkins shall elect one Senator, and the polls shall be compared at ————

Which being read,

Said amendment was decided to be out of order.

The question then recurred upon the adoption of the third district, which was determined in the affirmative.

The fourth Senatorial District, composed of the counties of Roane, Claiborne, Campbell, Anderson, and Morgan.

Which being read,

Mr. Williams offered the following amendment: strike out "Roane" and insert "Grainger."

Which being read and considered,

Was rejected.

The question then recurred upon the adoption of the fourth Senatorial district.

Which was determined in the affirmative.

The 5th, 6th, 7th, 8th, 9th, and 10th districts were read and severally adopted.

The eleventh Senatorial district, composed of the counties of Smith and Jackson.

Which being read,

Mr. Peyton moved to strike out "Jackson," and insert "Sumner," in lieu thereof.

Which being considered of by the Committee,

Was rejected.

The question recurred upon the adoption of the eleventh Senatorial district, was determined in the affirmative.

The 12th, 13th, 14th, 15th, 16th, and 17th districts were read and adopted.

The eighteenth Senatorial district, composed of the counties of Sumner and Robertson.

Which being read,

Mr. Ledbetter moved an amendment, by striking out "Sumner" and inserting "Montgomery."

Which being considered by the Committee,

Was rejected.

The 19th, 20th, & 21st Senatorial districts, were read and adopted.

The 22d Senatorial district, composed of the counties of Carroll, Perry, and Gibson.

Which being read,

Mr. Bradbury moved to amend said district, by striking out "Perry" and inserting "Dyer."

Which being considered by the Committee,

Was rejected.

The question then recurred upon the adoption of the 22d Senatorial district.

Which was determined in the affirmative.

The 23d, 24th, and 25th Senatorial districts were read and adopted.

The 2d section of said bill being read, was adopted.

The 3d section of said bill being read,

Mr. Laughlin moved to [amend] the following part thereof, "the counties of Fentress, Overton, White, and Van Buren, shall elect one Representative," after the word "Van Buren" [insert] the word "Warren."

Which being considered, was determined in the negative.

The question then recurred upon the adoption of the 3d section of said bill.

Which was determined in the affirmative.

On motion of Mr. Hardwicke,

The Committee read, and the Chairman reported said bill without amendment.

Mr. Ledbetter moved to lay said bill on the table.

And the question being thereon had, it was determined in the affirmative—ayes 13—nays 12.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Warner—12.

So said motion to lay on the table prevailed.

On motion of Mr. Ledbetter,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, DECEMBER 11, 1841.

Mr. Laughlin presented the petition of John Bell, sheriff of Coffee county, praying that certain moneys by him expended for the apprehension of James Sartain, who was confined on a charge of murder, who had broke, and escaped from the jail of said county.

Which being read,

Was referred to the Committee on Claims.

Mr. Foster, Chairman from the Committee on the Judiciary, to whom had been referred

A bill to amend the act passed February 15th, 1831, chapter 43, reported that the committee have had the same under consideration, think its provisions improper and unreasonable, and have instructed him to recommend its rejection.

Whereupon,

On motion of Mr. Gardner,

Said bill was laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and read a petition from sundry citizens of Smithland, Sumner county, praying to be attached to the new county of Macon, which I am directed to transmit to the Senate.

Also, a resolution adopted by the Senate, directory to the Bank of Tennessee, to pay to the trustee of Henderson county, the distributive share of said county, out of the common school fund of 1841, upon the Bank first making certain inquiries, and being satisfied in relation thereto, with certain instructions to the treasurer and said Bank relative to said payment, in which the House of Representatives concur.

Also, the following entitled bills which have been read a third and last time, and passed in the House of Representatives.

A bill creating William Staples, of the county of Morgan, a corporation sole, for the purpose of constructing a Turnpike road.

Also, a bill to suppress illegal voting.

Also, a bill to establish the time and place of sales of certain property under execution.

Also, a bill to amend the act entitled an act to equalize the stay of executions rendered by Justices of the Peace, on all sums, passed February 22d, 1836, so as to give a longer time for stays of executions.

Which I am directed to transmit to the Senate, and ask their concurrence therein.

And then he withdrew.

Whereupon, it is ordered that said resolution directory to the Bank of Tennessee be enrolled, and signed by the Speaker of the Senate, and transmitted to the House of Representatives for the signature of the Speaker thereto.

Mr. Turney introduced

A bill to compel the Judges of the Supreme Court to give written opinions in all cases in their courts, including its present forms, and the reporter of the State to report the same.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Gardner,

Took up and considered a resolution by him submitted on the 1st day of November, 1841, directory to the Secretary of State, for the State of Tennessee, relating to the adjudication of land warrant No. 1239, purporting to have been issued by William Hill, Secretary of the State of North Carolina, dated 27th October, 1835, for the benefit of the heirs of Jeremiah Bullock, &c.

Which resolution being read,

Mr. Gardner moved the following amendment:

And provided further, That before adjudicating said warrant, it shall be proved to the satisfaction of the Secretary of State that the claimants are the legal heirs of said Jeremiah Bullock.

Which amendment being read,

Was adopted.

The Senate took up and considered,

On motion of Mr. Gardner,

A resolution by him submitted on the 9th instant, directory to the Secretary of State, for the State of Tennessee, requiring said Secretary to report at an early day to the Senate the testimony produced before him, by the heirs of Jeremiah Bullock, on the adjudication of warrant No. 1239, for 914 acres, referred to said Secretary of State for adjudication the 20th January, 1840. Also, that he report his opinion upon the said testimony, the validity of said warrant, and the right of said heirs thereto; that he also report the reason why he could not adjudicate said warrant under said resolution.

Which being read, together with the report of said Secretary, made in obedience to said resolution, relating to the requirements of said resolution, touching the adjudications of said warrant.

Which being read,

The question recurred upon the adoption of said resolution, and being thereon had, was determined in the affirmative—ayes 14—nays 11.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Miller, Powell, Ross, Sevier, Waterhouse, Warner, and Mr. Speaker Turney—14.

Those who voted in the negative were,

Messrs. Bradbury, Foster, Frey, Jennings, Martin, Matthews, Motley Nelson, Peyton, Reneau, and Williams—11.

So said resolution was adopted, and ordered to be engrossed, and transmitted to the House of Representatives for their concurrence therein.

The Senate, on motion of Mr. Williams,

Took up and considered a resolution by him submitted on the 9th instant, authorising the Secretary of State to appoint an agent at Knoxville, to examine and receipt for that portion of the journals intended for distribution in East Tennessee.

Which, being read, was adopted.

Ordered, That the clerk acquaint the House of Representatives there with, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up read, and adopted a resolution, directory to the Superintendent of Public Instruction, which I am directed to transmit to the Senate, and ask their concurrence therein.

Also, a resolution in relation to the Covington Academy, in the county of Tipton, adopted by the House of Representatives, which I am directed to transmit to the Senate, and ask their concurrence therein.

Also, an engrossed bill, "A bill to carry into effect an act of Congress, passed the 18th day of February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line, in this State," which was read a third and last time and passed, and which I am directed to transmit to the Senate, and ask its concurrence therein.

And then he withdrew.

The Senate, on motion of Mr. Ashe, took up and considered a message from the House of Representatives, transmitting a resolution relating to the Covington Academy, in the county of Tipton, adopted by the House of Representatives, requesting the concurrence of the Senate therein.

Which being read and considered, the Senate concur therein.

Ordered, That the clerk acquaint the House of Representatives therewith.

The Senate, on motion of Mr. Johnson,

Took up and considered

A bill to divide the State into Senatorial and Representative districts.

Mr. Ledbetter moved to lay said bill on the table, until Monday morning next.

And the question being thereon had, was determined in the negative ---ayes 12—nays 13.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

So said motion to lay on the table was rejected.

Said bill was read a second time.

Mr. Frey moved to amend said bill in that part composing the 18th Senatorial district, by striking out the words "Sumner," and insert in lieu thereof the words "Montgomery," and the question being thereon had, was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney--13.

And so said amendment was rejected.

Mr. Williams moved to amend said bill in that part composing the 4th Senatorial district, by striking out the word "Roane," and insert in lieu thereof the word "Grainger," and the question being thereon had, was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

And so said amendment was rejected.

Mr. Sevier moved to amend said bill in that part composing the twenty-second Senatorial district, by striking out the word "Perry," and inserting in lieu thereof the word "Benton."

And the question being had thereon, it was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

And so said amendment was rejected.

Mr. Bradbury moved to amend said bill in that part composing the twenty-third Senatorial district, by striking out the word "Madison," and inserting in lieu thereof the word "Perry."

And the question being had thereon, it was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

And so said amendment was rejected.

Mr. Ashe moved to amend said bill in that part composing the twenty-fifth Senatorial district, by striking out the word "Haywood," and

insert in lieu thereof the word "Fayette," and the question being thereon had, was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

So said amendment was rejected.

Mr. Williams moved to refer said amendment, to the special committee on laying off the State into Senatorial and Representative districts, and the question being thereon had, was determined in the negative—ayes 12—nays 13.

The ayes and naye being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

So said motion was rejected.

The question then recurred upon the the passage of said bill, which being had, was determined in the affirmative—ayes 13—nays 12.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said bill was passed upon its second reading.

Mr. Johnson moved that said bill be referred to the committee on laying off the State into Senatorial and Representative districts.

Which motion he afterwards withdrew.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. SPEAKER: The House of Representatives has taken up and read a petition from 60 ladies and gentlemen of Bedford county, praying that the tippling act may not be repealed.

Also, a petition of 18 citizens of Bedford county, praying that the tippling law may not be repealed.

Which petition, I am directed to transmit to the Senate.

Also, the following entitled engrossed bills, which have been read a third and last time in the House of Representatives, and passed, to wit:

A bill for the relief of the commissioners appointed to superintend

the improvement of the navigation of the French Broad river, at the Hanging Rock and Swan islands.

Also, A bill to abolish and discontinue spring musters and their courts martial and drills.

Also, A bill to change the time of holding the circuit courts for the counties of M'Nairy and Hardeman, and to attach Tipton county to the tenth judicial circuit.

Which bills I am directed to transmit to the Senate, and to ask its concurrence therein.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows:

An act to provide for supplying vacancies in the offices of county court clerk and register.

An act to repeal an act entitled "an act to incorporate the town of Madisonville, in the county of Monroe."

An act to amend an act entitled "an act to establish the town of Jackson, in the county of Madison, and to authorise the commissioners thereof to pass by laws and ordinances for the same."

Which enrolled acts I am directed to transmit to the Senate.

And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled acts, and ordered the same to be deposited in the office of the Secretary of State for the State of Tennessee.

Mr. Turney moved that the Senate adjourn until Monday morning, 9 o'clock.

And the question being thereon had, was determined in the affirmative—ayes 14—nays 10.

The affirmative voters were,

Messrs. Bradbury. Foster, Frey, Jennings, Ledbetter, Maclin, Nelson, Peyton, Reneau, Ross, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Motley, Powell, and Warner—11.

On the 19th of December, Mr. Laughlin presented the following as his protest against certain members of the Senate, which is in the following words, in behalf of himself, Messrs. Gardner, Hardwicke, Johnson, and Maclin:

PROTEST.

The undersigned, members of the Senate of the General Assembly of the State of Tennessee, protest against the passage of a resolution adopted on the 1st day of December, at the present session, which provides that the Senate shall meet the House of Representatives in the Representative Hall, in convention of both Houses on two successive days, to wit: on Wednesday, the 2d day of December, and on Thursday, the 3d day of December instant, for the purpose of electing a Senator by joint vote of the two Houses in convention in the Hall of the House, on each of said days, to fill the two vacant seats in the Senate of the United States from this State.

The undersigned also protest against the action and conduct of the thirteen members of the Senate, being less than a constitutional quorum, and consequently not being the Senate of this General Assembly, in repairing to the Hall of the House of Representatives on the said second day of December, and twelve of said Senators again on the 3rd, 4th, 6th, and 7th days of December, for the purpose of uniting with the House, as a Senate, in going into an election by joint vote to elect a Senator in Congress, against the vote and peremptory refusal of a majority of the Senate to repair to said Hall or unite in said election; and the undersigned respectfully submit the following reasons for this their protest and refusal to leave the Senate Chamber, where they were at the time, in their seats, ready to proceed with the public business as Senators, and where they remained from day to day until the said Senators returned from the Hall of the House, to wit:

1. *Because* they deem the resolution by which the Houses were attempted to be brought together in convention in the Representative Hall, as being a violation of the Constitution of the United States in its adoption, and that every act done, by any Senator present, towards carrying it into effect, involved a new violation of the Constitution—and that it was the bounden duty of each of the undersigned to refuse all participation in every attempt and movement which was or might be made to carry the resolution into effect.

2. *Because* the undersigned hold that said resolution, although passed in Senate by thirteen votes, being a majority of one of all the votes of the Senate, was void under the provisions of the first article and third section of the Constitution of the United States, as being repugnant to the provisions of the same, and holding such opinion, it was due to the undersigned and their constituents to refuse their aid in carrying it into execution.

3. *Because* the said article and section of the constitution of the United States declares, that "the Senate of the United States shall be composed of two members from each State, CHOSEN *by the Legislature thereof* for six years;" and *because* Senators chosen or elected by a convention of the two Houses of the Legislature, sitting together, on joint vote, are not chosen by the Legislature, such convention not being the Legislature of the State—and, consequently, an election so made would be in violation of both the letter and spirit of the said provision of the Constitution.

4. *Because* the Constitution of the United States in the fourth section of the first article provides, that "the times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulation, except as to the places of choosing Senators," and *because* the legislature of this State, and the Congress of the United States have not heretofore by law or ordinance prescribed any rule as to the "times, places, or manner" of holding such elections, the same must be conducted, to be valid, according to the directions of the said first clause of the third section of the first article above quoted, by the Houses acting separately, in their organized capacities, in which capacities alone they form the Legislature of the

State; until a different form of election shall be prescribed by competen authority.

5. *Because* the Constitution of the State of Tennessee, by which the Legislature is created, and by which alone it has an existence, provides in the third section of the first article, that "the Legislative authority of the State shall be vested in a General Assembly, which shall consist of *a Senate* AND *House of Representatives*, both dependent on the people;" and *because* the said two Houses, the members of which are required to have different qualifications, are not the General Assembly or Legislature unless acting separately as checks upon each other, any election in convention of both Houses sitting together, would not be an election or "choosing by the Legislature of the State"—and would be void.

6. *Because* the Constitution of Tennessee, and especially in the sixth article, provides for the election of Judges and State officers by "joint vote of both Houses," but makes no provision for the mode of electing Senators in Congress, thereby leaving the same to be governed exclusively by the direction of the Constitution of the United States, which, as before quoted, requires them to be "chosen by the Legislature," acting as a Legislature in separate organization, and not by a convention.

7. *Because* the Senate, consisting of twenty-five members, represents the whole people of the State, and the House of Representatives, consisting of seventy-five members, represents precisely the same people and no more; and *because* the two branches of the General Assembly are co-ordinate, distinct, and separate bodies, each possessing as a body precisely the same amount of political power, and ordained by the Constitution to operate as checks and balances upon each other; and *because* in the unconstitutional mode of choosing Senators by joint vote in convention, where the voting is *per capita*, each member of each House having one vote, would merge the votes of Senators in the greater number of the votes of the Representatives, and disable the Senate from having any check or control over the election, a contingency against which the Constitution of the United States has expressly provided in requiring the choice or election to be made by the *Legislature as such*, and not by joint vote in convention.

8. *Because*, if the election were to be made in the manner contemplated by the resolution under consideration, it would often happen, and might happen in every instance, that all the members of the Senate, constituting the actual Senate, might vote unanimously for one candidate, while twenty-four members of the House might vote for another candidate, and the remaining fifty-one members of the House might vote for a third candidate, who, by the unconstitutional process, would be elected, not by the Legislature as such, but by a portion of the members of the House of Representatives, by which operation the Senate would lose its distinctive character and power as a co-ordinate branch of the Legislature, and its equal voice in choosing Senators would be lost and merged, a contingency against which it is most surely the intention of the Constitution to provide, in requiring Senators to be "chosen by the Legislatures of the States," and not by the members, or any portion of the members of one branch, against the will of a majority of the members of the other branch.

9. *Because*, this is the first time since the State of Tennessee was admitted into the Union, when a disagreement between the two branches of the General Assembly has arisen in regard to the choice of Senators, and is, therefore, the first occasion which has arisen where a direct appeal to the Constitution as the paramount rule of action has become imperiously necessary, and because neither Congress nor any previous Legislature has passed any law prescribing the mode of election, and cannot change the Legislature as the agent in prescribing the mode, the undersigned feel constrained, under a deep sense of duty, to take the Constitution alone for their guide, and to act according to their conviction of its true meaning, and to refuse now and at all times to take part in any proceedings in the hall of the House which would violate its provisions, which clearly require that the choice of Senators (the word election not being used) should be by a *concurrent vote of the Houses acting separately*, and not by a *joint vote of the Houses sitting together*.—It is not admitted that Congress or the Legislature can, in prescribing the mode, change the agent appointed to elect Senators.

10. *Because* there are no precedents in regard to the question involved which can have any binding or even persuasive authority—each General Assembly in this State having heretofore, when Senators were to be chosen, adopted a temporary mode of action by resolution, which resolutions invariably expired with the occasion which gave rise to their adoption—leaving the next succeeding General Assembly free to exercise its own judgment in view of the Constitution; and because no past practice is binding or obligatory, or can alter the Constitution; and because all the ablest judges and commentators on the Constitution, among whom may be enumerated Chancellor Kent, Judge Story, of the Supreme Court of the United States, Bayard, and others, all concur in and confirm the soundness and validity of the construction which the undersigned have found themselves constrained to adopt; and because the law of North Carolina of 1789, prescribing the mode of electing Senators in that State, passed seven years before Tennessee became a State, is not and never was, by any form of adoption, in force and use in this State.

11. *Because* the Constitution of the State of Tennessee, by the 4th section of the 7th article, provides that "the election of all officers, and the filling of all vacancies that may happen by death, resignation, or removal, not otherwise directed or provided for by this Constitution, shall be made in such manner as the Legislature shall direct;" and *because* no law under this provision or under the authority of the first clause of the third section of the first article of the Constitution of the United States has been passed by the General Assembly, and Congress having passed no law, the said provision of the Constitution of the United States requiring Senators to be "chosen by the Legislature of the State," acting as a Legislature, and not as a Convention of members of both Houses assembled in one House, remains obligatory, and the undersigned feel bound to conform to its plain and obvious directions.

12. *Because* the principles of expediency and a due regard for the rights, interests, and wishes of the people of the State, as clearly understood by the undersigned, so far as the same can lawfully be done according to the mandates of the Constitution, all conspire to demand of

the undersigned, as the agents of the people, a resistance by all lawfu and constitutional means, the execution of the design of the resolution under consideration, which is nothing more nor less, in their apprehension, than an election right or wrong by the whig members assuming to be an aggregate majority of the Legislature, of two candidates selected and understood to have been previously chosen by them in caucus, both of whom have peremptorily refused to answer respectful interrogatories propounded to them by members of the General Assembly, as to their opinions upon the right of the General Assembly and constituencies to instruct Senators and Representatives, and whether they held it to be the duty of Senators or Representatives to obey such instructions or resign their seats; and who have also refused to give and express their opinions in any public form on the subject of the Bankrupt law, the Loan bill, Distribution bill, the two Bank bills vetoed by the President, and other measures adopted at the last session of Congress, and others still pending before the country, and in which the people of Tennessee have a deep and abiding interest; and *because* the election of such Senators thus refusing to answer would be a violation of the principles and usages of Republican Government.

13. *Because* the election of candidates who refuse to disclose their opinions on public measures, and voting for them or permitting them to be elected, being ignorant of their opinions, in acting blindfold, would be a violation of the trust confided to the undersigned by their constituents. *Because* the votes which the undersigned have to give are the votes of their constituents and not their own, and they feel confident the people are unwilling to vote in the dark, either by themselves or their representatives, and that they do and will in all instances require a full disclosure of the political sentiments of candidates before they will consent to their election to places of Legislative trust, either in Congress or the General Assembly.

14. *Because* the undersigned had previously united with others in a constitutional attempt to elect a Democratic Senator to fill the vacancy occasioned by the death of the Hon. Felix Grundy, and had offered, as they fully believe, to unite in the election of a Whig candidate to fill the other vacancy in the Senate, in which fair endeavor to compromise between the parties the undersigned and their political associates in the General Assembly were defeated by the votes of the exclusive Whigs, who have thus refused a measure calculated to produce reconciliation between the two great parties.

15. *Because*, the two candidates, one of each party, the Hon. H. L. Turney, now a representative in Congress, and Maj. Thomas Brown of East Tennessee, on whom the undersigned and their political friends endeavored to unite the parties in an amicable compromise, as is well known, both made candid disclosures of their political sentiments, admitting the right of instruction to the fullest extent; and *because* the Hon. E. H. Foster and Spencer Jarnagin, Esq., the two candidates selected by the Whigs as before mentioned, and of whom the undersigned speak in no terms of personal disrespect, have both, for reasons satisfactory to themselves, refused in writing to disclose their political opinions and views in regard to the important measures adopted at the late session of Congress,

and have refused peremptorily in letters made public, addressed to members of the Legislature, to admit or deny the right of instruction—leaving them if elected, free to disobey the instructions of the present or any future General Assembly, and thus putting at naught one of the most sacred principles of our republican system of government.

16. *Because*, if instructions which have been laid before the Senate, and transmitted also to the House, signed by a large majority of all the voters in the counties of Benton and Humphreys, addressed directly to the Representative from those counties, and by which said Representative is expressly instructed to vote for Democratic Senators, were obeyed in good faith, the two parties would be precisely balanced in point of numbers in the General Assembly, and the election of Senators would result in a tie, thus defeating an election, even if the undersigned should consent to violate the Constitution by going into an election in convention.

17. *Because*, under all these facts and circumstances, the Legislature in both its branches, being declared by the Constitution of the State to be directly 'dependent on the people,' the undersigned have preferred to refer the whole matter to their constituents, and the people for their decision and instructions; so that at the next session of the General Assembly, should there be a called session next fall as is anticipated, or at the next regular meeting of the Legislature, members may come "fresh from the people," prepared and instructed to do their will, both with regard to the candidates and the parties to which they may belong.

18. *Because*, without imputing any other than patriotic motive to the Senators who disagree with the undersigned in any act they have done, they view the attempt which was made on the 3d of December, by twelve members of the Senate in absenting themselves from the Senate chamber, without leave, and repairing to the hall of the House, without being accompanied by the Speaker, or the officers of the Senate, and against a decision made by the Senate at the time, refusing to repair to the hall of the House, was in itself, in the opinion of the undersignd, a violation of the Constitution and parliamentary law; and an unconstitutional attempt in the opinion of the undersigned to carry the resolutions under consideration into effect—and because, the said proceeding of the said Senators, leaving the Senate without a quorum, was directly dissolving that body for the time being as a co-ordinate branch of the Legislature, and imposed on the undersigned the painful necessity of adjourning the Senate, as they had and have a right to do from day to day, for the absence of members; and because the said twelve Senators, in repairing to the hall of the House, were neither the Senate, nor a quorum of the Senate, it requiring two thirds of the members to constitute a quorum; and because every act done by said twelve Senators in the hall of the House, under whatever pretext, was and is wholly unconstitutional and void in the judgment of the undersigned.

19. *Because*, the twelve Senators who withdrew and seceded from the Senate while in session in its proper chamber could not represent the Senate, or become the Senate, while in the hall of the House, the proper legal and constitutional Senate being at the same point of time in

session in the Senate chamber, with power to call the Senate, and adjourn from day to day, which duty it continued to perform until the said supposed convention adjourned *sine die*, on the 7th instant; and because the Senate cannot be in constitutional session in two places at the same time, the said proceeding and assumption of the character of a Senate while in the hall of the House, was an assumption of power not known to the Constitution; and because all acts done by them in the House, assuming to be the Senate, or to represent the Senate then in legal session in its own chamber, were, and are wholly void.

20. *Because* the said twelve Senators, and the said unauthorised convention of members of the General Assembly, met and adjourned and held a part of their sittings at times when both Houses, the Senate and House of Representatives, were in a state of legal and constitutional adjournment, and could not therefore, while so in session, constitute the "Legislature of the State," and not being the Legislature, nor a quorum of the Houses of the Legislature, all acts done by them are irregular, illegal, violatory of the Constitution, and void.

21. *Because* the Constitution of the United States, nor of the State Tennessee, nor the laws of either, recognize any third power in the State, apart from the two legal Houses of assembly, as entrusted with the appointment or election of Senators, except in the filling of temporary vacancies by the Executive of the State; and therefore any election, or attempt to make an election of Senators, by any body of individuals, not constituting a constitutional Legislature, are and would be wholly void.

22. *Because* the Senate, nor the members of the Senate of Tennessee, have power to divest themselves of the official power imparted by the Constitution; because by so divesting the Senate of its character, and its weight as a co-ordinate branch of the Legislature, and going into the hall of the House, and voting *per capita* with the members of the House, each member having one vote, the Senate would cease to have power to "alter, amend or reject" the acts of the House, and by so yielding up its constitutional character, by which it is required to act as a check upon the House, the plain and obvious provisions of the Constitution would be violated.

23. *Because* the Senate possesses distinct, specified and definite powers, conferred directly by the Constitution, and which powers it cannot yield and divest itself of any more than it can assume new and ungranted powers—and because the power of the Senate to go into the House in convention to elect Senators, is no where granted by the Constitution or imparted by any law made under the Constitution of the United States or of this State, neither the Senate nor any portion of its members have any such power or authority; and the attempt to exercise any such power by the Senate, or any of its members acting apart from the Senate, or the lawful authority of the Senate, would be wholly unconstitutional and void.

24. *Because* the said resolution under which the said Senators repaired to the Hall of the House on the 2d day of December, if it had been otherwise constitutional and valid, not having been carried into effect by any lawful meeting of the two Houses on the said day, no Se

nate having attended said pretended convention, the same became *functus officio*, and afforded no warrant or authority for the meeting of the said Senators in the hall of the House on said subsequent days; and because the said meeting on the 3d instant, attended by only twelve Senators, being five less than a quorum of that body, and under which said Senators assumed authority of attending the House on the said subsequent days, was unlawful, unparliamentary, and unconstitutional, because said Senators withdrew from the Senate to attend said meetings against the determinations of the Senate, by ayes and noes, forbidding said attendance; by reason of all of which, all their acts assuming to be the Senate, or to be acting for the Senate, were and are wholly void—the said Senators having absented themselves in violation of the 15th rule adopted for the government of the Senate at the present session, which expressly provides that "no member shall absent himself from the service of the Senate without leave first obtained"—and which rule also gives power to the Senate to send the door keeper for such Senators as may be absent, and which power in the present instance was repeatedly exercised without success daily from the 2d to the 7th instant, by which great delay and manifest detriment to the public service was sustained at a large expense of time and public money.

25. *Because* neither Congress nor the Legislature of this State have passed any law or laws prescribing the "time, manner or place" of electing Senators by the Legislature; and because neither Congress nor the Legislature have any power in passing such laws, to prescribe any mode of choosing Senators other than by the "Legislature of the State," *as such;* the choice to be made by the Houses in their separate organised capacities, by concurrent vote—neither Congress nor the Legislature having power to transfer such choice to the joint vote of a convention of the two Houses sitting together in one House—neither having power by the express provision of the Constitution of the United States, to take the choice from the Legislature, in the parliamentary and technical sense of the word, and transfer it to the members of the Houses, sitting in convention. Congress and the Legislature have only power to prescribe the "manner and place," in, by, and at which, the *Legislature* may choose Senators, but not the "time, manner and place" in which any other body, organised or unorganised in a public capacity, may make such choice, because the power to prescribe the mode of election, does not include the power to change the character of the agent appointed to make said election.

26. *Because* the Constitution of the United States has distinctly appointed "the *Legislature* of the State" the agent by whom Senators are to be "chosen." The act to be done, coupled with this power, is to "choose Senators." This can only be done by the agent specified, and neither Congress nor the Legislature can appoint any other agent, or change the act to be done, though they have express power to prescribe the time, manner, and place in, by and at which the Legislature, as the agent, may execute the specified power—but neither have power by law or otherwise to confer the power on a convention of the two Houses of Assembly, which is in no proper sense, "the Legislature of the State;" and because neither Congress nor the General Assembly ca

by any act, law, or ordinance transfer the power of choosing Senators to the members of the General Assembly, sitting in any other capacity than as a legislature in the separate organized capacity of the Senate and House of Representatives.

27. *Because* neither the Constitution of the United States nor of the State of Tennessee, recognize nor prescribe the form of meeting in convention of the two Houses, in one hall or chamber for any purpose; and because such form of proceeding is an unwarranted assumption of power, derogatory to the principles of the Constitution and subversive of the constitutional rights of the Senate as an independent co-ordinate branch of the legislature; and because in the election of Judges and certain State officers the provision in the Constitution of Tennessee only authorises the election to be by "joint vote," but in no form of words prescribes that the Houses shall assemble in what is called convention of the two Houses, in one hall.

28. *Because* of all the facts and reasons before set forth, and for many other good and valid causes, the undersigned solemly protest against all the proceedings herein before set forth; and claim the right, and require that the same be spread at length upon the journal of the Senate for the information of the people of the State at large, and especially for the information of their own constituents. Acting upon their best judgments, and relying upon the rectitude of their intentions, the undersigned take a direct appeal to the freemen of Tennessee. By their decision they will cheerfully abide.

S. H. LAUGHLIN, of Warren.
JOHN A. GARDNER, of Weakley.
J. P. HARDWICKE, of Dickson.
A. JOHNSON, of Greene.
SACKFIELD MACLIN, of Fayette.

On motion of Mr. Turney,
The Senate adjourned until Monday morning next, at 9 o'clock,

MONDAY, DECEMBER 13, 1841.

Mr. Miller presented the petition of Thomas Robinson, of the Ocoee District, praying that eighty dollars be refunded to him by the State, on account of a mistake in entering a tract of land in said District.

Which being read,
Was laid on the table.

Mr. Martin presented petitions from sundry citizens of Maury, Bedford, and Marshall, praying that a law may be passed authorising mill dams to be erected on Duck river, between Columbia and Shelbyville, or that the act declaring said river navigable may be repealed.

Which being read,
On motion of Mr. Martin,
It was ordered to be transmitted to the House of Representatives.

The Senate took up the consideration of the amendment of the House of Representatives, made to the amendment of the Senate, to "a bill from the House of Representatives to change the time of holding the

Circuit Court for the 7th Judicial District, and the Chancery Courts in Clarksville and Charlotte."

When, on motion of Mr. Frey,

Said bill and amendment was laid on the table.

Mr. Foster, from the Committee on the Judiciary, to whom had been referred "a bill from the House of Representatives to make legal all the official acts of James Rose as deputy Clerk of the County Court of Shelby county, reports that said committee have had the same under consideration.

And before the coming in of said report and instruction of said committee,

Mr. Ledbetter moved to lay said bill on the table.

Which motion prevailed.

The Senate, on motion of Mr. Hardwicke,

Took up and considered a resolution by him submitted on the 8th December, 1841, directory to the Bank of Tennessee, touching certain proceedings in said Bank

Which being read, was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Ledbetter submitted the following:

Whereas, an extra session of the General Assembly must necessarily be called in the year 1842—therefore

Resolved, That the two Houses will adjourn *sine die* on Friday, the 24th instant.

Which being read, was laid on the table.

Mr. Laughlin submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee, and the President and Directors of the Union Bank of the State of Tennessee, and the President and Directors of the Planters' Bank of the State of Tennessee, and the President and Directors of the Farmers' and Merchants' Bank of Memphis, be and they are hereby each severally required to communicate to this General Assembly, in the form of a written report, to be officially made by the Presidents and Cashiers of said Banks, such propositions as said Presidents and boards of Directors may think it expedient to make in regard to the resumption of specie payments by said Banks, and that they be required severally to state and communicate in said report full and direct answers to the following interrogatories:

1. At what time, with a view that the same may be at the earliest practicable day, can your Bank resume specie payments, under the assurance that such resumption shall be permanent?

2. What has been the annual, or semi-annual rate of profits made by your Bank, since the suspension of specie payments in the month of October, 1837, to 1st October, 1841?

3. Is it practicable for your Bank to make a permanent resumption of specie payments forthwith?

4. In answering the above, the resumption of all branch banks is to be considered as being expected to be simultaneous with the mother banks, and the answers are required to consider them in that connection.

Resolved, That the answers to the foregoing interrogatories be verified by the oaths, on affidavit, of the President and Cashier of said Banks severally, according to the best of their knowledge, opinion, and belief.

Resolved, That the Clerks of the Senate and House of Representatives forthwith communicate copies of the foregoing to the President of the said Banks severally.

Which being read,

Was laid on the table.

The Senate, on motion of Mr. Ashe, took up and considered

A bill from the House of Representatives to carry into effect an act of Congress, passed and approved the 18th February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional Reservation line.

Which bill was read a first time and passed.

On motion of Mr. Ashe,

Said bill was referred to the Committee on Public Lands.

Mr. Turney submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller audit, and the Treasurer pay to John England, Deputy Sheriff of White county, whatever may be due him by law for bringing Margaret Rose, a lunatic pauper, from the county of White to the lunatic asylum at Nashville, by order of the County Court of White county; provided it shall appear to them that he has performed the duty as required by law.

Which being read,

Was laid on the table.

The Senate took up the consideration of

A bill from the House of Representatives to refund to White county the fines and forfeitures wrongfully paid to the Treasurer of the State.

Which was read a third and last time.

And the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 19, nays 2.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Powell, Ross, Sevier, Waterhouse, Warner, and Mr. Speaker Turney—19.

Those who voted in the negative were,

Messrs. Frey and Nelson—2.

So said bill was passed upon its third and last reading.

Ordered, To be transmitted to the House of Representatives for enrolment.

The Senate took up and considered

A bill from the House of Representatives to appoint guardians for infants in certain cases, and for other purposes.

Which bill, as amended by the Senate, was read a third and last time.

And the question, "Shall said bill pass?" being had, was determined in the affirmative—ayes 15, nays 6.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Motley, Nelson, Sevier, Warner, and Mr. Speaker Turney—15.

Those who voted in the negative were,

Messrs. Maclin, Martin, Miller, Powell, Ross, aud Waterhouse—6.

So said bill passed on its third and last reading.

Ordered, To be transmitted to the House of Representatives for enrolment.

The Senate, on motion of Mr. Ledbetter, took up and considered

A bill from the House of Representatives to suppress illegal voting.

Which was read a first time and passed.

Mr. Martin moved that twenty-five copies of said bill be printed for the use of the Senate.

Which motion prevailed.

The Senate took up and considered

A bill from the House of Representatives creating William Staples, of Morgan county, a corporation sole, for the purpose of constructing a turnpike road.

Which bill was read a first time and passed.

The Senate took up and considered

A bill from the House of Representatives to amend an act entitled "an act to equalise the stay of executions rendered by justices of the peace, on all sums," passed February 22d, 1836, so as to give a longer time for stays of execution.

Which bill was read a first time and passed.

The Senate took up and considered

A bill from the House af Representatives to change the time of holding the Circuit Courts for the counties of McNairy and Hardeman, and to attach Tipton county to the 10th Judicial Circuit.

Which was read a first time and passed.

The Senate took up and considered

A bill from the House of Representatives for the relief of the commissioners appointed to superintend the improvement of the navigation of French Broad river at the Hanging Rock and Seven Islands.

Which bill was read a first time and passed.

The Senate took up and considered

A bill from the House of Representatives to establish the time and place of sales of certain property under execution.

Which bill was read a first time and passed.

The Senate took up and considered

A bill from the House of Representatives to amend the law in relation to the exemption of certain property from execution.

Which bill was read a first time.

Mr. Turney moved to amend said bill by inserting therein after the words "cases of ordinary execution," the words "in criminal as well as civil cases."

Which amendment being considered by the Senate, was adopted.

Mr. Matthews moved to amend said bill by adding thereto the following:

Sec. 2. *Be it enacted*, That in addition to the articles heretofore ex-

empt from execution, that there shall be exempt also one other bed and furniture, containing not more than twenty-five pounds of feathers, and also one other cow and calf.

Which being read,

Mr. Ross moved to amend the amendment offered by Mr. Matthews by striking out the words "and also one other cow and calf."

The question then recurred upon the amendment offered by Mr. Ross to the amendment of Mr. Matthews, which being considered was determined in the affirmative—ayes 15, nays 6.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Powell, Ross, Sevier, Warner, and Mr. Speaker Turney—15.

Those who voted in the negative were,

Messrs. Johnson, Laughlin, Maclin, Matthews, Waterhouse, and Williams—6.

So said amendment was adopted.

Mr. Nelson moved the indefinite postponement of said bill.

Which motion was rejected.

The question then recurred upon the adoption of the amendment offered by Mr. Matthews, as amended, and the sense of the Senate thereon being had, was adopted.

And said bill, as amended, was read a first time and passed.

Mr. Ashe introduced

A bill to make provisions for the Supreme Court of Errors and Appeals.

Which was read a first time and passed.

The Senate took up and considered

A bill to compel the Judges of the Supreme Court to give written opinions in all cases in their Courts, including its present term, and the Reporter of the State to report the same.

Which bill was read a second time and passed.

The Senate took up and considered

A bill to allow the Secretary of State compensation for arranging and having bound certain acts and journals.

Which bill was read a second time and passed.

The Senate, on motion of Mr. Hardwicke, took up and considered

A bill to amend the act of 1835, chapt. 13.

Which being read,

Mr. Foster moved to amend said bill by inserting after the words "retail merchants shall," the word "heretofore."

Mr. Foster moved further to amend said bill by adding thereto the following: "or when a judgment or judgments shall have been recovered for the penalty of, or taken by the act of 1835, chapter 13; and provided such merchant or merchants shall, by satisfactory proof, make it appear to the Judge of the Court in which said judgment was rendered, that the goods, wares, and merchandize were destroyed in the manner in this act mentioned."

Which amendments being read and considered of by the Senate, were adopted.

And said bill, as amended, being read a third and last time,

The question recurred upon the passage of said bill, which was had and determined in the affirmative—ayes 20, nays 1.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Powell, Ross, Sevier, Waterhouse, Warner, and Mr. Speaker Turney —20.

Mr. Johnson voting in the negative.

So said bill was passed upon its third and last reading.

Ordered, To be engrossed and transmitted to the House of Representatives.

Mr. Turney asked and obtained leave to withdraw for amendment

A bill to prevent allowances, and to fix permanently, the fees of the Clerks of the several Courts of this State.

On motion of Mr. Laughlin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Warner introduced the following:

Resolved by the General Assembly of the State of Tennessee, That the Bank of Tennessee and Branches, the Planters' Bank of Tennessee and Branches, the Union Bank of Tennessee and Branches, and the Farmers' and Merchants' Bank of Memphis, be and they are hereby severally directed to resume and continue in good faith the payment of specie for all their notes and other liabilities respectively, on presentation at the place where payable, which are or shall be due at the time presented for payment.

2. *Resolved*, That in the opinion of this General Assembly the said Union Bank of Tennessee, the said Planters' Bank of Tennessee, and the said Farmers' and Merchants' Bank of Memphis, have violated and forfeited their respective charters of incorporation.

3. *Resolved*, That should said Union Bank of Tennessee, said Planters' Bank of Tennessee, and said Farmers' and Merchants' Bank of Memphis, or either of them, fail or refuse to resume specie payments as above directed, then and in that case, the Attorney General for the State shall cause to be issued, pursuant to law, a *scire facias* against either or all of said Banks so failing or refusing to resume specie payments as above directed, calling on said Bank or Banks, as the case may be, to show cause why the charters thereof shall not be declared forfeited.

Which being read,

Was laid on the table.

Mr. Turney, who had withdrawn for amendment

A bill to prevent allowances, and to fix permanently, the fees of the Clerks of the several Courts in this State,

Returned said bill with an amendment in lieu of the whole bill, after the enacting clause, as follows, to wit:

"That the Clerks and Masters of the Chancery Courts, Clerks of the Circuit Courts, and special Commissioners appointed under the decrees of the said Courts, to sell real or personal estate, shall be allowed the following fees for executing such decrees, and no other allowance shall be made: at the rate of four dollars for the first hundred dollars—at the rate of three dollars for every hundred dollars over one hundred, and not exceeding three hundred dollars—and at the rate of two dollars for every hundred dollars over three hundred, and not exceeding five hundred dollars—and at the rate of one dollar and fifty cents for every hundred dollars over five hundred, until his fee shall amount to one hundred dollars, and in no case shall his fees or commissions exceed the said sum of one hundred dollars."

Which being read,

Was adopted.

And so said bill as amended, was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Rspresentatives have taken up and read the petition of the heirs of Isaac Baker, deceased, praying that said heirs may be by law, authorised to sell certain land belonging to the senior and minor heirs of said Isaac Baker.

Which I am directed to transmit to the Senate.

Also, an engrossed bill from the House of Representatives, to amend the charter of Martin Acadmy, at Jonesborough, and McMinn Academy, at Rogersville, and for other purposes.

Also, the Senate's bill to consolidate the funds, and to provide for but one instead of two separate classes of common schools in the Hiwassee and Ocoee Districts, in the State of Tennessee.

Which was read a third and last time, and passed without amendment.

Which bill I am directed to transmit to the Senate for enrolment.

And then he withdrew.

Whereupon it is ordered that said bill be enrolled, and signed by the Speaker of the Senate, and transmitted to the House of Representatives.

The Senate, on motion of Mr. Powell,

Took up and considered,

A bill from the House of Representatives, to amend the charter of Martin Academy, at Jonesborough, and McMinn Academy at Rogersville, and for other purposes,

Which bill was read a first time and passed.

Mr. Gardner introduced

A bill to amend the act of 1821, chapter 14, relating to cases of forcible entry and detainer.

Which bill was read a first time and passed.

Mr. Martin introduced

A bill to define and make certain the manner of laying out private ways.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Miller,

Took up and considered,

A bill to allow compensation to certain commissioners.

Which being read,

Mr. Nelson moved to amend said bill by striking out the word "two" occurring in said bill, after the words "shall hereafter be allowed," and insert in lieu thereof, the word "four."

Which being considered of by the Senate,

Said amendment was rejected.

Mr. Nelson moved to amend said bill, by striking out the latter clause of the second section, imposing a fine upon the commissioners for failing to perform the duties imposed by this act.

And the question recurring upon the adoption of said amendment it was determined in the negative—ayes 6—nays 14.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Frey, Motley, Nelson, Sevier, Warner, and Williams—6.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Peyton, Powell, Ross, Waterhouse, and Mr. Speaker Turney—14.

So said amendment was rejected.

Mr. Nelson moved to amend said bill, by inserting therein, at the end of the first section, the following:

And provided, in all cases where damages may be adjudged to any person, in consequence of said Rail Road passing through his or her land, the person so recovering, shall vest the amount of damages in stock in said rail road.

And the question, upon the adoption of said amendment was had, and determined in the negative—ayes 7—nays 14.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Ashe, Frey, Ledbetter, Motley, Nelson, Sevier, and Williams—7.

Those who voted in the negative were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Martin, Matthews, Miller, Peyton, Powell, Ross, Waterhouse, Warner, and Mr. Speaker Turney—14.

So said amendment was rejected.

Mr. Matthews moved to amend said bill, by adding to the last section of said bill, the following:

After the words "not exceeding ten dollars," the words "unless good excuse be shown for not attending."

Which being read,

And the sense of the Senate thereon had, said amendment was adopted.

Said bill as amended, was read a third and last time,

And the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 12—nays 5.

The ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Peyton, Powell, Sevier, and Mr. Speaker Turney—12.

Those who voted in the negative were,

Messrs. Frey, Motley, Nelson, Warner, and Williams—5.

So said bill was passed on its third and last reading, was ordered to be engrossed, and transmitted to the House of Representatives.

Upon the passage of this bill, Messrs. Miller and Waterhouse, being interested in the question, were, on their motion, excused from voting.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed to request the Senate to transmit to the House of Representatives the documents accompanying Governor Polk's Message to the General Assembly.

And then he withdrew.

Ordered, That the clerk transmit to the House of Representatives the several documents accompanying the message of his Excellency James K. Polk, late Governor of the State of Tennessee, and therein referred to.

Mr. Foster submitted the following:

A bill entitled "a bill to provide for supplying vacancies in county court clerks and registers," transmitted from the House of Representatives to the Senate for concurrence, was, by the Senate, upon its third and last reading in the Senate, constitutionally rejected, and an order made, requiring the clerk of the Senate to acquaint the House of Representatives therewith.

It is now ordered by the Senate that the clerk of the Senate transmit a copy of this order to the House of Representatives for their action on said bill.

Which on its rejection, was transmitted to the House of Representatives.

The Senate took up and considered

A bill from the House of Representatives to abolish and discontinue spring musters, and their courts martial and drills.

Which bill was read a first time and passed, and

On motion of Mr. Hardwicke,

Was referred to the Committee on Military Affairs.

Mr. Ledbetter submitted the following:

Resolved, That so much of the Governor's Message as relates to the act of Congress providing for the distribution of the proceeds of the public lands of the United States, be referred to the Committee on Ways and Means, and that they have leave to report by bill or otherwise.

Which being read,

The rule requiring said resolution to lie over one day being suspended, said resolution was adopted.

On motion of Mr. Ledbetter,

Said resolution was referred to the Committee on Ways and Means.

On motion of Mr. Turney,

The Senate adjourned until to-morrow

TUESDAY, DECEMBER 14, 1841.

Mr. Ledbetter presented the petition of A. L. Cropman and G. W. Hoovers, praying to be indemnified for moneys expended and services rendered in arresting in the Republic of Texas, and delivering to the proper authorities of Tennessee, Zebediah Payne, charged with the crime of murder.

Which being read,

On motion of Mr. Ledbetter,

Said petition was referred to the Committee on Claims.

Mr. Jennings presented the memorial of Matthew Barrow, relating to improper collection of taxes upon lands in the Western District, praying relief.

Which being read, which with the accompany documents, was,

On motion of Mr. Jennings,

Referred to the Committee on Claims.

Mr. Frey introduced

A bill to change the dividing line between the counties of Robertson and Sumner.

Which bill was read a first time and passed.

Mr. Nelson, Chairman, from the Committee on Internal Improvements, to whom had been referred a resolution directory to said Committee relating to the amount of money appropriated and actually expended in the three grand divisions of the State of Tennessee, under the Internal Improvement acts; reports that said committee have had the same under consideration, and had directed him to submit the report of the Secretary of State herewith presented, and to recommend its adoption.

Which being considered,

Mr. Warner moved to recommit said report to said Committee on Internal Improvements, with instructions.

Mr. Laughlin moved that the report be recommitted to the Committee on Internal Improvements, with instructions to inquire whether the work on the Harpeth and Farmington Turnpike road has been abandoned, and whether the charter has expired, and whether the Shelbyville and Fayetteville Turnpike has been abandoned, and the charter relinquished, and whether the charter of the Lebanon and Carthage Turnpike road has been abandoned, and whether the charter has been relinquished, and what other roads, if any, in which the State has subscribed for stock, or on which bonds have been issued, mentioned in the report of the Secretary of State, of the 26th day of October, 1841, have been abandoned, and on which the State bonds issued have, or will be returned to the State, and that they report fully on all the above matters, showing the amount of stock subscribed and bonds issued on any of said roads.

Which being read,

Mr. Warner accepts in lieu of his proposition.

Mr. Gardner moved to amend said instructions to said committee, by adding thereto the following: "and that said committee also inquire and report whether any charter granted by the State for any road in the Western District, or in East Tennessee, has expired, been abandoned,

or relinquished by the company, the amount actually expended in each of the grand divisions of the State, and the amount of State bonds issued and delivered to each of the Internal Improvement Companies in this State, and shall have power to send for persons and papers, and examine witnesses.

Which being read,

Said instructions as amended, were adopted.

And said report with instructions recommitted to said committee.

Mr. Nelson, Chairman, from the Committee on Internal Improvements, to whom had been referred "a bill to change the organization of the board of internal improvements," reports that said committee have had the same under consideration, and have directed him to report a bill in lieu of the whole of said bill, and to recommend its passage.

Which bill is as follows:

A bill directing the Internal Improvement books, records, and papers to be transfered from the office of the Secretary of State, to the office of the Comptroller of the Treasury, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all books, records, and papers relative to the several Internal Improvement companies in which the State is interested, be transferred from the office of the Secretary of State, to the office of the Comptroller of the Treasury, and that said books, records, and papers shall hereafter be and form a part of the records of the office of the said Comptroller, and transcripts of said books, records, and papers certified by the Comptroller, shall be received as evidence in the courts of law and equity in this State.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Comptroller to open in a book, to be provided for the purpose, an account with each Internal Improvement company, in which he shall charge the company with the amount of State bonds heretofore issued, and such as may be hereafter issued, and credit the same with the amounts heretofore paid, and the amounts which may be hereafter paid by individual stockholders, and that said Comptroller be further required to prepare a book in which he shall register the bonds of the State heretofore issued, or which may hereafter be issued, showing the amount of bonds issued to each company, together with the number, letter, and date of each bond, and that in order to enable the Comptroller to prepare said register, he shall have access to the register kept in the Bank of Tennessee.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Comptroller, in regular reports to the General Assembly, to report the amount of State bonds issued to each company, and that he further show in said report the amount received in dividends from each company.

SEC. 4. *Be it further enacted*, That so much of an act passed on the 25th of January, 1840, as makes the Governor, Comptroller, and Attorney General a board of Internal Improvement, &c. be and the same is hereby repealed, and that in lieu thereof the Comptroller, President of the Bank of Tennessee, and the Secretary of State shall compose a board of Internal Improvement, of which the Comptroller shall be

chairman, and shall perform all the duties required by the former board, and keep regular minutes of all the proceedings.

SEC. 5. *Be it further enacted*, That it shall be the duty of the board hereby appointed, in addition to the duties prescribed in the act of 25th of January, 1840, to require each Internal Improvement company to make a report semi-annually to said board, in which the company shall show the condition and progress making in their work, a failure or refusal on the part of any company or companies shall operate as a cause of suspension of the further issue of the bonds of the State to such company or companies.

SEC. 6. *Be it further enacted*, That whenever said board shall discover fraud in the transactions of any company or companies, in violation or evasion of their charters, with a view to defraud the State, the said board shall forthwith report the facts to the Governor, whose duty it shall be to cause the Attorney General of the State, either by himself or the Attorney of the district, to commence such legal proceedings as are required by the act of the 25th of January, 1840.

SEC. 7. *Be it further enacted*, That said board one week before the meeting of said session of the General Assembly, shall make a report to the Governor of the proceedings, embracing all such information as they may be enabled to obtain, touching the condition, conduct, and progress of each Internal Improvement company, which report the Governor shall lay before the General Assembly.

SEC. 8. *Be it further enacted*, That when the said board of Commissioners shall be satisfied that any Internal Improvement company has complied in good faith with all the requirements of their respective charters, and they are entitled to receive payment of the State, then they shall communicate the same to the Governor in writing, the amount said company is entitled to, who shall forthwith execute and deliver the amount of the same in bonds to the Bank of Tennessee as required by law.

Which bill reported by said Committee, being read, was adopted in lieu of the original bill, and said report concurred in.

And said bill was read a second time and passed.

Mr. Ledbetter, Chairman, from the Committee on Ways and Means, to whom had been referred the petition of John H. Lynum, relative to the right of occupancy in a certain tract of land, reports that said committee have had the same under consideration, and think it unreasonable and improper, and should not be granted, and have directed him so to report, and to recommend its rejection.

Which report being considered of by the Senate, is concurred in.

And said petition is thereupon rejected.

Mr. Ledbetter, Chairman, from the Committe on Ways and Means, to whom had been referred

A bill to amend an act passed the 9th day of February, 1836, chapter 15, reports that said committee have had the same under consideration, and have directed him to report an amendment in lieu of the whole bill after the caption, and to recommend its passage.

Which amendment made by the committee is as follows:

SEC. 1. *Be it enacted by the General Assembly of the State of Ten-*

nessee, That the sheriffs and collectors of the county taxes, shall pay over and account for the same on or before the 1st day of December, in each year, in the same manner and under the same penalties as are now prescribed by law.

Which report is concurred in.

And said bill as amended, was read a second time and passed.

Mr. Powell submitted the following:

Resolved, That a select committee to consist of five members, be appointed by the chair, with instructions to report a bill, authorising a purchase of the bonds of the State of Tennessee, with the stock held by the State in the Union Bank of Tennessee.

Which was read and laid on the table.

Mr. Gardner introduced

A bill to incorporate the Tennessee State Agricultural Society.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Jennings, took up and considered

A bill to allow the Secretary of State compensation for arranging and having bound, certain acts and journals.

Which bill was read a third and last time, and the question, "Shall said bill pass?" was had, and determined in the affirmative—ayes 23—nays none.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Ross, Sevier, Waterhouse, Warner, Williams, and Mr. Speaker Turney—23.

The negative voters were none.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives

The Senate took up the consideration of

A bill from the House of Representatives, to amend the charters of the Martin Academy at Jonesborough, and McMinn Academy at Rogersville, and for other purposes. When

On motion of Mr. Johnson,

Said bill was laid on the table.

Mr. Maclin introduced

A bill for the use of the Sommerville college.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Laughlin, took up and considered a resolution by him submitted on yesterday, on the subject of the resumption of specie payments by the Banks, within the State of Tennessee, and propsing certain interrogatories to the officers of the Banks.

Which being read, was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

The Senate, on motion of Mr. Turney, took up and considered a resolution by him submitted on yesterday, for the relief of John England, late deputy sheriff of White county, for carrying Margaret Rose, a lunatic pauper, from Sparta to the Lunatic Asylum, at Nashville.

Which being read,

Mr. Turney moved the following amendment:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller audit, and the Treasurer pay to John England, deputy sheriff of White county, whatever may be due him by law, for bringing Margaret Rose, a lunatic pauper, from the county of White, to the Lunatic Asylum, at Nashville, by an order of the county court of White count, *provided* it shall appear to them that he has performed the duty required by law.

Mr. Ledbetter moved the following further amendment:

Resolved further, That the Comptroller audit, and the Treasurer pay to ——— Saunders, Deputy Sheriff of Rutherford county, the amount that may be due him for bringing a lunatic pauper from said county to the Lunatic Asylum at Nashville, under an order of the County Court of Rutherford, provided it shall appear that he has performed the services as required by law.

Mr. Turney moved the further amendment:

Provided it shall appear that there was no estate of the said lunatic to pay the same.

Mr. Sevier moved the following amendment:

Resolved, That the Comptroller be directed to audit, and the Treasurer directed to pay to John Norman, Sheriff of Carroll county, the sum of thirty-nine dollars, for the transportation of Edward Harris, a lunatic pauper, from Carroll county to the lunatic asylum, provided the same appears to be due by law.

Which resolution, as amended, being read, was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

On motion of Mr. Turney,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, DECEMBER 15, 1841.

Mr. Johnson presented the petition of John Gladdin, and sundry citizens of Greene county, praying that a law be passed dissolving the bonds of matrimony existing between the said John Gladdin and his wife Rebecca.

Which being read, was,

On motion of Mr. Johnson,

Laid on the table.

Mr. Johnson presented the petition of the securities of M. G. Fellows, late Sheriff of Greene county, and the petition of sundry citizens of Greene county, praying that said securities may be released from the payment of certain sums of money in said petition mentioned, payable to the State of Tennessee.

Which being read,

On motion of Mr. Johnson,

Said petition was referred to the committee on Claims.

Mr. Frey, chairman from the committee on Enrollments, reported as correctly enrolled,

An act to consolidate the funds, and to provide for but one instead of two separate classes of common schools in the Hiwassee and Ocoee Districts in the State of Tennessee.

Also as correctly enrolled

A resolution directory to the Bank of Tennessee, to pay to the Trustee of Henderson County the distributive share of said county out of the common school funds for 1841, upon the bank fund, making certain enquiries and being satisfied in relation thereto, with certain instructions to the Treasurer and said Bank relative to said payment.

Whereupon the Speaker of the Senate signed said enrolled act and resolution, and ordered that the same be transmitted to the House of Representatives for the signature of the Honorable Speaker thereof.

Mr. Frey, chairman from the committee on Enrollments, reported as correctly enrolled

An act to allow the Secretary of State compensation for arranging and having bound certain acts and journals,

Whereupon the Speaker of the Senate signed said enrolled act and ordered that the same be transmitted to the House of Representatives for the signature of the Honorable Speaker thereof.

Mr. Ledbetter submitted the following:

Whereas, a bill has been filed by the Attorney General on behalf of the State of Tennessee, in the chancery court at Murfreesboro, against the Jefferson Turnpike Company, upon an allegation of fraud, in the obtaining the bonds of the State, and

Whereas, the Stockholders and Directors have denied the material allegations in the bill; therefore

Resolved, That a Select committee of —— members be appointed to take into consideration the matters alleged in the bill and answer, with a view to a speedy adjustment of the suit, if the same can be done consistent with the interest of the State, and report in the premises.

Which being read was laid on the table.

Mr. Waterhouse introduced

A bill to refund to John Hoyal and Thomas McCallie, the consideration money paid by them in making Entry No. 521, in the Ocoee District.

Which bill was read a first time and passed.

The Senate on motion of Mr. Foster, took up and considered

A bill to encourage domestic manufactures.

Which being read,

Mr. Johnson moved to amend said bill, by adding to the last section thereof the following:

The Legislature may at any time alter or repeal this act,

Which amendment being read and considered was adopted.

Which bill as amended was read a second time and passed.

The Senate on motion of Mr. Waterhouse, took up and considered

A bill to divide the State of Tennessee into Senatorial and Representative districts.

Which bill being read by Districts and Sections,

Mr. Powell moved to fill the blank in the *first* Senatorial district with the word "Elizabethton."

Which being read was adopted.

Mr. Johnson moved to fill the blank in the *second* Senatorial district with the word "Greenville."

Which being read and considered, said amendment was adopted.

Mr. Waterhouse moved to amend said bill by filling the blank in that part comprising the *third* Senatorial district, with the word "Sevierville."

Which being read and considered was adopted.

Mr. Waterhouse moved further to amend said bill, comprising the *fourth* Senatorial district, by filling the blank therein with the word "Jacksborough."

Which being read and considered of by the Senate, was adopted.

Mr. Waterhouse moved further to amend said bill, comprising the *fifth* Senatorial district, by filling the blank therein with the word "Knoxville."

Which being read and considered was adopted.

Mr. Miller moved to amend said bill, comprising the *sixth* Senatorial district, by filling the blank therein with the word "Athens."

Which being read and considered of by the Senate, was adopted.

Mr. Waterhouse moved to amend said bill, comprising the *seventh* Senatorial district, by filling the blank therein with the word "Washington."

Which being read and considered of by the Senate, was adopted.

Mr. Turney moved to amend said bill, in that part comprising the *eighth* Senatorial district, by inserting the word "Van Buren," after the word "DeKalb."

Mr. Frey offered the following in lieu of the amendment of Mr. Turney, and moved its adoption.

Which amendment is as follows, to wit:

1. The counties of White, Overton, Fentress and Jackson, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

2. The counties of Van Buren, Warren, Cannon and Dekalb, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

3. The counties of Franklin and Lincoln, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

4. The counties of Coffee and Bradford, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

5. The counties of Maury and Marshall, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

6. The counties of Giles, Lawrence and Wayne, shall compose one

Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

7. The counties of Hickman, Dickson, Humphreys and Stewart, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at ———

8. The counties of Robertson and Montgomery shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at Port Royal, Montgomery county.

9. The counties of Sumner and Smith, shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at Hartsville, Sumner county.

10. The county of Davidson shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared in the city of Nashville.

11. The county of Wilson shall compose one Senatorial district, and shall elect one Senator, and the polls shall be compared at Lebanon.

12. The counties of Rutherford and Williamson shall compose one senatorial district, and shall elect one Senator and the polls shall be compared at———

And the question upon the adoption of said amendment being had, was decided in the negative—ayes 12 nays 13.

The ayes and noes being constitutionally demanded,

Those who voted in the affirmative were:

Messrs Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

Those who voted in the negative were:

Messrs Gardner, Hardwick, Johnson, Laughlin, Maclin, Martin Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—13.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by mr. Turney, which was had and determined in the affirmative.

So said amendment was adopted.

Mr. Jennings moved the following:

That the bill be referred to the Select committee on the subject, with instructions to the said committee to report amendments, which will so change the provisions of the bill, that it will make as little alteration in the existing arrangement of the Senatorial and Representative Districts of the State as is consistent with the directions of the constitution, in regard to future elections in the new counties and with a strict regard to a proper equalization of representative influence, and with further instructions to said committee to have a strict regard to the existing condition of parties in the State, so that if practicable neither party may gain any decided advantage in the plan of remodeling the districts, which said committee may see proper to recommend."

Which being read—

Mr. Foster moved to amend the reference with instructions to the select committee, offered by Mr. Jennings, as follows: A select committee

of six to be composed of one Senator of each political party from each grand division of the State."

Which being read, and the sense of the Senate thereon had, it was rejected.

The question then recurred upon the adoption of the motion of mr. Jennings, referring said bill to a select committee with instructions;

Which being had, was determined in the negative—ayes, 11—nays, 13.

The ayes and nays being demanded by Mr. Jennings,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier and Williams—11.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—13.

So said motion to refer said bill was rejected.

Mr. Turney moved to amend said bill in that part composing the eighth Senatorial district, by filling the blank therein, with the words "White Plains."

Which being read and considered by the Senate, was adopted.

Mr. Laughlin moved to amend that part of said bill composing the ninth Senatorial District, by filling the blank therein with the word "Hillsborough."

Which being read and considered by the Senate, was adopted.

Mr. Turney moved to amend said bill in that part composing the ninth Senatorial District, by striking out the word "Van Buren."

Which being considered by the Senate, was adopted.

So said amendment was made.

Mr. Turney moved further to amend said bill, by striking out of that portion of the bill composing the ninth Senatorial District, the word "Franklin," and to add the word "Franklin" in that part of the bill composing the ninth Senatorial District, after the word "Cannon."

Which amendments being considered by the Senate, were adopted.

So said amendments were made.

Mr. Ross moved to amend said bill in that part composing the tenth Senatorial district, by filling the blank therein with the word "Fayetteville."

Which being considered by the Senate, said amendment was adopted.

Mr. Turney moved to amend said bill in that part composing the eleventh Senatorial District, by filling the blank therein with the word "Granville, Jackson county."

Which being considered by the Senate, said amendment was adopted.

Mr. Warner moved to amend said bill in that part composing the fourteenth Senatorial District, by filling the blank with "Fannington, Marshal county."

Which being considered by the Senate, said amendment was adopted.

Mr. Ross moved to amend said bill in that part composing the fifteenth

Senatorial District, by filling the blank therein with the words "Lynnville, Giles county."

Which being considered by the Senate, said amendment was adopted.

Mr. Gardner moved to amend said bill in that part composing the eighteenth Senatorial District, by filling the blank therein with the words "Cross Plains, Robertson county."

Which being considered by the Senate said amendment was adopted.

Mr. Matthews moved to amend said bill in that part composing the twentieth Senatorial District by filling the blank therein with the word "Waynesborough."

Which being considered by the Senate said amendment was adopted.

Mr, Gardner moved to amend that part of the bill composing the twenty-first Senatorial District, by filling the blank therein, with the word "Dresden."

Which being considered by the Senate, said amendment was adopted.

Mr. Sevier moved to amend said bill in that part composing the twenty-second district, by filling the blank therein with the word "Ripley."

And the question thereon being had, it was determined in the negative—Ayes, 5—Nays, 18.

The ayes and nays being demanded,

The affirmative voters were :

Messrs. Ashe, Bradbury, Jennings, Sevier and Williams—5.

The negative voters were :

Messrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Ross, Waterhouse, Warner, and mr. Speaker Turney—18.

So said amendment was rejected.

Mr. Sevier moved to amend said bill in that part composing the twenty-second senatorial district, by striking out the word "Perry," and insert in lieu thereof, the word "Dyer."

And the question being thereon had, it was determined in the negative—ayes, 11—nays, 13.

The ayes and nays being demanded,

The affirmative voters were :

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier and Williams—11.

The negative voters were :

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney, 13.

So said amendment was rejected.

Mr. Sevier moved to amend said bill by striking out of that part composing the twenty-second senatorial district the word "Perry," and inserting in lieu thereof, the word "Weakley."

And the question thereon being had, it was determined in the negative—ayes, 11—noes 13.

The ayes and nays being demanded thereon,

The affirmative voters were :

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier and Williams—11.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—13.

So said amendment was rejected.

Mr. Gardner moved to amend said bill in that part composing the twenty-second senatorial district by filling the blank therein with the word "Huntingdon."

Which being considered by the Senate, said amendment was adopted.

Mr. Gardner moved to amend said bill in that part composing the twenty-third senatorial district, by filling the blank therein with the word "Lexington."

Which being considered by the Senate, was adopted.

Mr. Maclin moved to amend that part of the bill composing the twenty-fourth senatorial district, with the word "Middleburg."

Which being considered by the Senate, said amendment was adopted.

Mr. Maclin moved to amend that part of the bill composing the twenty-fifth senatorial district, by filling the blank therein with the word "Covington."

Which being considered by the Senate, said amendment was adopted.

Mr. Turney moved to amend the second section of said bill by inserting therein, after the word "Warren," the word Lincoln."

Which being considered by the Senate, said amendment was adopted.

Mr. Turney moved to amend the third section of said bill by striking out after the word "Smith," the word "Lincoln."

Which being considered by the Senate, said amendment was adopted.

Mr. Miller moved to amend, that the counties of McMinn, Monroe, Bradley, and Polk shall elect one Representative jointly, by filling the blank therein with the word "Athens."

Which being considered by the Senate, said amendment was adopted.

Mr. Waterhouse moved to amend said bill in that part directing that the counties of Knox and Blount shall elect one Representative, by striking out the word "Blount," and insert in lieu thereof, the words "Anderson and Campbell," and to fill the blank therein with the word "Clinton."

Which being considered by the Senate, said amendments were adopted.

Mr. Waterhouse moved the following amendment to the 3rd section of said bill:

"The counties of Blount and Sevier shall elect one Representative jointly, and the polls shall be compared at Maryville in Blount county."

Which being considered by the Senate, said amendment was adopted.

Mr. Waterhouse moved to amend that part of said bill—"The counties of Bledsoe and Morgan shall elect one Representative jointly," by filling the blank therein, with the words "John Kimmers in Bledsoe county."

Which being considered by the Senate, said amendment was adopted.

Mr. Waterhouse moved to amend said bill in that part, "the counties of Rhea and Meigs shall elect one Representative jointly," by filling the blank therein, with Washington, Rhea county."

Which being considered by the Senate said amendment was adopted.

Mr. Waterhouse moved to amend said bill in that part—"that the counties of Marion and Hamilton shall elect one Representative," by filling the blank therein with the words, "Chattanooga, Hamilton county."

Which being considered by the Senate, said amendment was adopted.

Mr. Waterhouse moved to amend said bill in that part "that the counties of Cocke and Sevier shall elect one Representative" by striking out the word "Sevier," and to insert in lieu thereof, the word "Jefferson," and to fill the blank therein with the words "Dandridge, Jefferson county."

Which being considered by the Senate, said amendments were adopted.

Mr. Powell moved to amend said bill in that part, "the counties of Carter and Johnson shall elect one Representative," by filling the blank therein with the words "Elizabethton, Carter county."

Which being considered by the Senate, said amendment was adopted.

Mr. Johnson moved to amend said bill in that part, "the counties of Green and Washington shall elect one Representative" by filling the blank therein with the words "Joshua Ricton, Washington county."

Which being considered by the Senate, said amendment was adopted.

Mr. Johnson moved to amend said bill in that part, "the counties of Hawkins and Sullivan shall elect one Representative," by filling the blank therein with the words "Kingsport, Sullivan county."

Which amendment was adopted.

Mr. Turney moved to amend said bill in that part, "the counties of Fentress, Overton, White and Van Buren shall elect one Representative," by filling the blank therein, with the words "White Plains."

Which being considered by the Senate, said amendment was adopted.

Mr. Turney moved a re-consideration of the vote in relation to the comparing the vote of the counties of Fentress, Overton, White and Van Buren, for a Representative between said counties jointly to be at White Plains.

Which motion prevailed—

When mr. Turney moved to amend said bill by striking out "White Plains" and insert the word "Livingston."

Which being considered by the Senate, said amendment was adopted.

Mr. Warner moved to amend said bill in that part, "the counties of Bedford and Marshall shall elect one Representative jointly," by filling the blank therein with the word "Farrington, Marshal county."

Which being considered by the Senate, said amendment was adopted.

Mr. Gardner moved to amend said bill in that part, "the counties of Robertson and Sumner shall elect one Representative," by filling the blank therein with the words "Cross Plains, Robertson county."

Which being considered by the Senate, was adopted.

Mr. Gardner moved to amend that part of the bill, "the counties of Tipton and Lauderdale shall elect one Representative," by filling the blank therein with the word "Covington."

Which being considered by the Senate said amendment was adopted.

Mr. Gardner moved to amend said bill in that part, "the counties of Dyer and Obion shall elect one Representative," by filling the blank therein with the words, "Johnsville, in Dyer county."

Which being considered by the Senate, said amendment was adopted.

Mr. Waterhouse moved to amend said bill, in that part—"the counties of Campbell and Anderson shall elect one Representative," by filling the blank therein with the word "Jacksborough, Campbell county."

Which being considered by the Senate said amendment was adopted.

Mr. Miller moved to amend said bill in that part, "the counties of Bradley and Polk, shall elect one Representative," by filling the blank therein with the words "Cleveland, Bradley county."

Which being considered by the Senate, said amendment was adopted.

Mr. Turney moved a re-consideration of the vote of the Senate, filling the blank in that part of the bill, "that Fentress, Overton, White and Van Buren, shall elect one Representative,' with the word 'Livingston.'

Which motion prevailing—

Mr. Turney moved to amend said bill, by striking out the word "Livingston," and insert in lieu thereof, "Sparta, White county."

Which motion prevailing, said amendment was adopted.

On motion of mr. Turney,

Said bill was laid on the table.

On motion of mr. Nelson,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Gardner introduced the following:

Resolved by the General Assembly of the State of Tennesssee,

That there be a joint select committee appointed to consist of three members on part of the Senate, and five on part of the House of Representatives, who shall be members from the Western District of this State, whose duty it shall be to take into consideration, the expediency and constitutionality of ceding that portion of this State lying west of the Tennessee river, commonly called the Western District, to the Government of the United States, for the purpose of being formed into a separate, independent and sovereign State to be called Jacksoniana, with leave to said committee to report by bill or otherwise.

Resolved, That his Excellency the Governor, James C. Jones, be and he is hereby required, to open and hold correspondence with the Governors of the States of Kentucky and Mississippi, for the purpose of learning their opinions and feelings in regard to the propriety of making said cession, and the disposition of said States to cede to the General Government a portion of their territory, to be embraced in and form a part of the contemplated State of Jacksoniana when formed; and for the further purpose of respectfully requesting them to submit this subject to the consideration of their respective Legislatures at their next session.

Which being read, was laid on the table.

The Senate took up and considered

A bill from the House of Representatives, to make legal all the official acts of James Rose, as deputy clerk of the County court of Shelby county.

Which bill was read a second time and passed.

Mr. Ross returned without amendment,

A bill from the House of Representatives, to amend the law in relation to common schools in Lincoln county.

Which bill was read a third and last time, and the question,

Shall said bill pass?

Was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and ordered to be transmitted to the House of Representatives for enrollment.

The Senate, on motion of mr. Turney, took up the consideration of

A bill to remove the seat of government from Nashville.

When, on motion of mr. Turney, its consideration is made the order of the day for Thursday, the 16th instant.

Mr. Sevier introduced

A bill to authorise one of the district constables to perform the duties of town constable in Huntingdon, Carroll county.

Which bill was read a first time and passed.

Mr. Powell submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of Tennessee, the President and Directors of the Union Bank, the President and Directors of the Planters' Bank, the President and Directors of the Farmers' and Merchants' Bank in this State, be, and are hereby requested to furnish to this General Assembly full and satisfactory answers to the following interrogatories:

First, in relation to the item of discounted notes, as reported by each,

1. Is the amount of notes under discount (as reported) *accommodation paper*, a *new business* paper, to be paid when due?

What proportion is accommodation paper? What new business paper?

Domestic Bills reported by each.

2. Has this amount of bills been purchased since 1st July last, or is any portion of this ameunt bills that *were not met*, last season, and *again renewed?* If so, state what amount.

Due from Banks and Agents.

3. State the banks and agents that owe the amount reported as due from them; also how said banks and agents became indebted to those large amounts.

4. What amount of bills of exchange did the banks and branches over which you respectively preside purchase from 1st July 1840, to 1st July, 1841; say in ten months.

5. What amount of new business paper did the bank and branches discount in said time; say from 1st July, 1840, to 1st May, 1841.

Which was read and laid on the table.

The Senate, on motion of mr. Maclin, took up the consideration of

A message from the House of Representatives, transmitting a resolution adopted by the House, proposing to appoint a joint select committee to take into consideration a memorial of the trustees of the Memphis Hospital, asking the concurrence of the Senate therein.

Which being read, the Senate concur therein.

Ordered, that messrs. Maclin, Ashe and Sevier be appointed of said committee on part of the Senate.

Ordered, that the clerk acquaint the House of Representatives therewith.

The Senate took up the consideration of

A bill from the House of Representatives, to amend the charter of Martin Academy at Jonesborough, and McMinn Academy at Rogersville, and for other purposes.

Which being read, mr. Johnson moved to amend said bill by striking out of the first section the following words: "and also the charter of McMinn Academy at Rogersville, in the county of Hawkins."

Which being considered of by the Senate, said amendment was adopted.

Said bill, as amended, was read a second time and passed.

A message from the House of Representatives by mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to consolidate the funds, and provide for but one instead of two separate classes of common schools in the Hiwassee and Ocoee Districts, in the State of Tennessee.

The Speaker of the House of Representatives did this day sign an enrolled resolution, directing the Bank of Tennessee to pay to the Trustee of Henderson county the distributive share of said county out of the common school funds for 1841—upon the Bank first making certain enquiries and being satisfied in relation thereto, with certain instructions to the Treasurer and said Bank relative to said payments.

Also, an engrossed Bill, entitled

A Bill to appoint trustees to recover the donation of William Wright, deceased, and for other purposes.

Which was passed upon its third and last reading in the House of Representatives, which I am directed to transmit to the Senate and ask its concurrence therein.

Also, a resolution reported by the committee on Internal Improvement and adopted by the House of Repesentatives relative to the Pelham and Jasper Turnpike company, with the report of the Attorney General of the 13th judicial circuit, with accompanying documents, which I am directed to transmit to the Senate and ask its concurrence therein.

And then he withdrew.

Whereupon it is ordered that said enrolled act and resolution be deposited in the office of the Secretary of State for the State of Tennessee.

The Senate took up and considered.

A bill from the House of Representatives, for the relief of the commissioners appointed to superintend the improvement of the navigation of the French Broad river, at the Hanging Rock and Seven Islands.

Which bill was read a second time and passed.

The Senate took up the consideration of

A bill from the House of Representatives entitled a bill to amend an act, entiled, an act to equalize the stay of executions rendered by justices of the peace on all sums, passed February 22d, 1836, so as to give a longer time for stays of executions.

Which bill was read a second time.

Mr. Matthews moved to amend said bill by striking out the words "eight months,"

And the sense of the Senate being had, said amendment was rejected.

Mr. Waterhouse moved the indefinite postponement of said Bill.

And the question being had thereon, was determined in the affirmative—ayes, 15—noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Miller, Motley, Nelson, Peyton, Powell, Ross, Sevier, Warner and Williams—15.

The negative votes were:

Messrs. Ashe, Bradbury, Hardwicke, Laughlin, Maclin, Martin, Matthews, Waterhouse and Mr. Speaker Turney—9.

So said bill was indefinitely postponed.

Ordered that the Clerk acquaint the House of Representatives therewith.

The Senate took up and considered

A bill from the House of Representatives, to establish the time and place of sales of certain property under execution.

Which bill was read a second time, and the question

"Shall the bill pass?"

Was had and determined in the negative. So said bill was rejected.

Ordered that the Clerk acquaint the House of Representatives therewith.

Mr. Laughlin thereupon moved a reconsideration of the vote repealing said bill, which motion prevailed.

Mr. Laughlin then moved to lay said bill on the table.

And the sense of the Senate being thereon had, was determined in the negative.

So said motion was rejected.

The question then recurred upon the passage of said bill upon its second reading.

which was had, and determined in the negative—ayes, 5—noes, 18.

The ayes and noes being demanded,

The affirmative voters were :

Messrs. Laughlin, Peyton, Ross, Waterhouse and Mr. Speaker Turney—5.

The negative votes were :

Messrs, Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Macklin, Martin Matthews, Miller, Motley, Nelson, Powell, Sevier, Warner, Williams and Mr. Speaker Turney—18.

So said bill was rejected upon its second reading.

Ordered that the Clerk acquaint the House of Representatives therewith.

The Senate took up and considered,

A bill from the House of Representatives, creating William Staples, of the county of Morgan, a corporation sole, for the purpose of constructing a Turnpike Road,

Which being read a second time—

When Mr. Warner moved to amend said bill by adding thereunto the following :

"*Be it enacted* that the Legislature may at any time amend or repeal this charter."

And the question thereon being had, was determined in the negative —ayes, 10—noes, 12.

The ayes and noes being demanded,

The affirmative voters were :

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Macklin, Martin, Matthews, Powell, Ross, and Warner—10.

The negative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Miller, Nelson, Peyton, Sevier, Waterhouse, Williams and Mr. Speaker Turney—12.

So said amendment was rejected.

The question then recurred upon the passage of said bill upon its second reading,

Which was had and determined in the affirmative.

So said bill was passed upon its second reading.

The Senate took up and considered

A bill to encourage domestic manufactures.

Which bill was read a second time, and the question, "shall said bill pass?"

Being had, was determined in the affirmative—ayes, 16—noes, 9.

The ayes and noes being demanded,
The affirmative voters were :
Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Sevier, Williams and Mr. Speaker Turney—16.
The negative voters were :
Messrs. Johnson, Laughlin, Ledbetter, Martin, *M*atthews, *M*otley, Ross, Waterhouse and Warner—9.
So said bill was passed upon its second reading.
On motion of mr. Williams,
The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, DEC. 16, 1841.

*M*r. Speaker Turney asked and obtained leave of absence during the present day.
*M*r. Ashe presented a petition from sundry citizens, praying the incorporation of the Trenton, Brownsville and Somerville Turnpike company.
Which being read, was,
On motion of mr. Ashe,
Transmitted to the House of Representatives.
*M*r. Williams, chairman from the committee on agriculture and manufactures, to whom had been referred
A bill to encourage agriculture in the State of Tennessee—
Reports that said committee have had the same under consideration and deem its provisions proper, and have directed him to report said bill, and to recommend its passage.
Which being read, mr. Foster moved the following amendment :
Provided nothing in this act contained, shall be so construed as to prevent any subsequent Legislature from repealing this act before the expiration of five years.
Which being read, and the sense of the Senate being thereon had, said amendment was adopted.
Mr. Warner moved to amend said bill by striking out the whole of the caption, after the words "a bill," and to insert in lieu thereof the following : "to waste and squander the revenue of the State."
On motion of mr. Gardner,
Said bill, and amendment, were laid on the table.
Mr. Williams, from the committee on agriculture and domestic manufactures,
Reports, that said committee have had the same under consideration, and deem its provisions of less utility than the provisions of another bill referred to said committee, having for its object the promotion of agriculture and manufactures; and that said committee therefore have directed him to report said bill, and to recommend its rejection.
On motion of mr. Williams,
Said bill was laid on the table.
The Senate took up and considered

A bill to incorporate the Tennessee Agricultural Society.

On motion of mr. Gardner,

Said bill was referred to the committee on agriculture and manufactures.

Mr. Warner moved that mr. Waterhouse be added to the committee on agriculture and manufactures.

Which motion mr. Warner afterwards withdrew.

Mr. Williams moved that mr. Nelson be added to the committee on agriculture and manufactures.

Which motion prevailed.

And mr. Nelson was added to said committee.

The Senate, on motion of mr. Foster, took up and considered

A bill from the House of Representatives, to make legal all the official acts of James Rose, as deputy clerk of the County court of Shelby county.

Which being read, mr. Foster moved the following amendment in lieu of the whole bill after the enacting clause, to wit:

Sec. 1. That all the official acts of any clerk of any of the courts in this State, done and performed by, or through the deputy of such clerk, whose deputation shall have been legal, shall be as good and as valid in law or equity, as if such official acts had been done and performed by the principal clerk of such court: *provided*, the right, title or interest of judgment creditors or purchasers being such before the passage of this act, shall not be altered, changed or affected by any thing provided for in this act.

Sec. 2. *Be it enacted*, That it shall be lawful for the clerks of the different courts of record in this State, to have and appoint deputy clerks, which appointments shall be under the hands and seals of the principal clerks, to be recorded upon the minutes of the court; and all the official acts of such deputy clerks legally done, shall be as valid as if done by the principal clerk.

Which being read, said amendment was adopted in lieu of the whole of said bill after the enacting clause.

And said bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 19, noes 4.

The ayes and noes being demanded, the affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Motley, Peyton, Powell, Ross, Sevier, Waterhouse and Warner—19.

The negative voters were:

Messrs. Martin, Miller, Nelson and Williams—4.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with said amendment, and ask a concurrence therein.

On motion of mr. Laughlin, the Senate took up and considered

A bill to prescribe the mode of electing Senators in Congress.

Which being read a third and last time, mr. Foster moved to amend said bill, and offered said amendment in lieu of the whole bill.

Which being read, mr. Warner moved the indefinite postponement of said bill and amendment.

Which motion mr. Warner afterwards withdrew.

Mr. Peyton moved that the Senate adjourn until 2 o'clock, P. M.

And the question being had thereon, was determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded, the affirmative voters were:

Messrs Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *Motley*, Nelson, Peyton, Sevier and Williams—11.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, *Maclin*, *Martin*, *Matthews*, *Miller*, Powell, Ross, Waterhouse and Warner—12.

So said motion to adjourn was rejected.

Mr. Foster asked and obtained leave to withdraw said amendment by him offered in lieu of the whole bill.

Mr. Williams moved that the Senate adjourn until 2 o'clock, P. M.

And the question being thereon had, was determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded, the affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *Motley*, Nelson, Peyton, Sevier, Williams and Speaker Turney—12

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, *Maclin*, *Martin*, *Matthews*, *Miller*, Powell, Ross, Waterhouse and Warner—12.

So said motion to adjourn was rejected.

The question then recurred upon the passage of said bill, which was had and determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded, the affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *Motley*, Nelson, Peyton, Sevier, Williams and Speaker Turney—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, *Maclin*, *Martin*, *Matthews*, *Miller*, Powell, Ross, Waterhouse and Warner—12.

So said bill was rejected upon its third and last reading.

On motion of mr. Ledbetter, the Senate adjourned until 2 P. M.

EVENING SESSION.

The Senate, on motion of mr. *Martin*, took up and amended

A bill to define and make certain the manner of laying out private ways.

Which being read, mr. Foster moved to amend said bill by striking out after the words, "shall be entitled to," the word "five," and insert in lieu thereof the word "two."

Mr. Foster moved to amend the sixth section of said bill, by striking out after the words "any of the jurors," the word "appointed," and insert in lieu thereof the word "summoned."

Mr. Foster moved farther to amend said sixth section in said bill, by striking out after the words "by the," the word "court," and insert in lieu thereof the word "sheriff."

Which amendments being read and considered of by the Senate, were adopted.

*Mr. M*artin moved to amend the first section of said bill, by filling the blank therein after the words "to consist of," by inserting therein the words "not less than five."

*Mr. M*artin moved further to amend the first section of said bill, to fill a blank therein after the words "such road not exceeding," by inserting therein the word "fifteen."

Which several amendments being read and considered of by the Senate, were adopted.

And said bill, as amended, was read a second time and passed.

Mr. Powell submitted the following:

Resolved that a select committee be appointed by the chair to consist of three, one member to be chosen from each of the grand divisions of the State, whose duty it shall be to enquire into the expediency and propriety of so amending the law, in relation to the appropriation of three hundred thousand dollars, for the improvement of the navigation of the Rivers in this State, that the State (issued or authorized by law to be issued to create a fund for that purpose) be made to bear an interest of six per centum per annum, with instructions to report by bill or otherwise.

Which being read was laid on the table.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up, read a third and last time and passed the following entitled bills, to-wit:

A bill to authorize the Governor of Tennessee to commute capital punishments to imprisonment for life in the Penitentiary in certain cases.

A bill to amend an act, entitled act to regulate and simplify the distribution and division of the estates of persons dying insolvent, passed Oct. 18, 1841.

A bill relating to the adjudication of land warrants.

Which I am directed to transmit to the Senate and ask its concurrence therein.

The Speaker of the House of Representatives has this day signed the following enrolled acts, entitled as follows, to-wit:

An act to authorise the county courts to appoint guardians for infants, in certain cases, and for other purposes.

An act to refund to White county the fines and forfeitures wrongfully paid to the Treasurer of the State.

Also, an enrolled resolution signed on this day by the Speaker of the House of Representatives directing the Comptroller to pay over money to Covington Academy, in Tipton county.

And then he withdrew.

Whereupon the Speaker signed said several enrolled acts, and said resolution which were severally ordered to be transmitted to the House of Representatives, for their further order thereon to be had.

On motion of mr. Powell,

The Senate took up and considered a resolution by him submitted on

yesterday, proposing certain interrogatories to, and requiring the Bank of Tennessee, the Union Bank of Tennessee, the Planters Bank of Tennessee, and the Farmers and Merchants Bank, at Memphis, to furnish certain information to this General Assembly.

Which being read and considered by the Senate, was adopted.

Ordered that the Clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Johnson introduced a bill to establish the 15th solicitorial district."

Which was read a first time and passed.

Mr. Jennings asked and obtained leave to change his vote by him given upon the third and last reading of the Senate's bill to prescribe the mode of electing Senators in Congress," having voted in the affirmative of said question—and now asks for his vote to be placed in the negative.

Said bill was rejected upon said third and last reading, by a vote of 12 ayes—12 nays; which change will cause said vote to stand ayes, 11—nays, 13—mr. Jennings in the negative.

Whereupon mr. Jennings moved a re-consideration of the Senate's vote rejecting said bill.

Mr. Turney moved that the Senate take up the consideration of

A bill to remove the seat of government from Nashville.

Mr. Turney moved that the order of the day on to-morrow, be the consideration of said bill.

Which motion prevailed.

Mr. Hardwicke presented the following response from the President of the Bank of Tennessee, to a resolution of the Senate adopted on the 13th instant.

BANK OF TENNESSEE, Dec. 16th, 1841.

To the Hon. Samuel Turney, Speaker of the Senate—

DEAR SIR: In obedience to a resolution of the Senate of the 13th instant, received this morning, calling for certain information "relative to the by-laws of this Bank, and internal regulations, touching in any manner the renewal of accommodation notes, and whether we have regular discount day or days for that purpose, and whether the borrowers are required to pay or renew their notes until due, or until three days thereafter, known as the days of grace, and if the borrowers are invariably charged interest for three days of grace, allowed as aforesaid." I have the honor to inform you that the by-laws set apart Thursday in each week for the discounting of notes. A note is not considered at maturity until the expiration of three days of grace, and of course the interest is charged accordingly. No note is required to be paid or arranged before its maturity. For the convenience of the customers of the Bank, the board have invariably appointed a committee authorized to renew accommodation notes originally discounted, provided the calls are complied with, and the new notes drawn and endorsed by the same persons; and, provided further, the names should be equally good as when the original discount was made, if not said committee are authorized and expected to require an additional approved name. The committee meet every day for the renewal of

paper. The board early adopted this course believing if the customers were confined to the renewal of their notes on discount day alone, many of them not conversant with the general usages of Banks, would be taxed with the costs of protest unnecessarily. I am pleased to inform you this rule has operated greatly to the convenience of our customers, without injury to the institution.

I have the honor to be your ob't serv't,

W. NICHOL, President.

The Senate, on motion of mr. Hardwicke, took up the consideration of a bill to equalize the discounts at the branches of the Bank of Tennessee and for other purposes.

Which bill, with sundry accompanying documents, were re-committed to the committee on banks.

Mr. Martin moved that he be discharged from serving with the committee on Banks.

Which being considered of by the Senate, said motion was rejected.

Mr. Martin moved that mr. Hardwicke be added to the committee on banks.

Which motion the Senator from Maury afterwards withdrew.

Mr. Jennings moved that the committee on Agriculture and Manufactures, to whom was referred a bill to incorporate the Sycamore Manufacturing company, from the further consideration thereof be discharged.

Which being considered said motion prevailed.

The Senate on motion of mr. Jennings took up and considered a bill to incorporate the Sycamore Manufacturing company.

Which bill was read a second time and passed.

Mr. Sevier introduced a bill to divide the interest on the Gibson County Academy fund between the Trenton Male and Female Academy.

Which bill was read a first time and passed.

Mr. Jennings introduced a bill making compensation to Willoughby Williams assignee of John C. McLemore, for certain valuable record books, now in the Secretary's office.

Which bill was read a first time and passed.

Mr. Waterhouse moved to take up a bill to divide the State into Senatorial and Representative districts.

And the question thereon being had, was determined in the affirmative—ayes, 12—noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier and Williams—11.

So said motion prevailed.

Mr. Nelson asked leave to withdraw said bill for amendment.

And the question being thereon had, it was determined in the negative—ayes, 11—nays, 12.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier and Williams—11.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—12.

So leave to withdraw said bill for amendment was refused.

Said bill was read a third and last time.

Mr. Ross moved to amend said bill in that part composing the 10th Senatorial district by inserting therein after the words "compared at" the words "court-house in the town."

Which was adopted.

Mr. Warner moved to amend said bill in that part composing the 14th Senatorial district, by inserting after the word "Farmington," the words "Marshall county."

Which was adopted.

Mr. Matthews moved to amend said bill in that part composing the 20th Senatorial district, by inserting therein after the words "compared at," the words "the court-house in."

Which was adopted.

Mr. Gardner moved to amend said bill by inserting in that portion composing the 21st Senatorial district, after the words "compared at," the words "the court-house in the town of."

Which was adopted.

Mr. Gardner moved to amend said bill in that part composing the 25th Senatorial district, by inserting therein after the words "compared at," the words "the court-house in the town of."

Which was adopted.

Mr. Warner moved to amend said bill by adding thereto the following, to-wit:

Provided that should the new county of Putnam be established, then and in that case the counties of Fentress and Putnam, shall elect one Representative jointly and the polls shall be compared at White Plains—and the county of Van Buren shall be attached to the county of White in a Representative district, and the fractions of the county of Putnam shall vote with the counties from which it is respectively taken, for a Senator or Senators, as the case may be, and so much of the act establishing said county, and this act as is repugnant to, or contrary to this proviso, is hereby declared to be of no effect.

And said amendment being read, was adopted; and said bill as amended was read a third and last time.

Mr. Williams moved to amend that part of the bill composing the fourth Senatorial district, by striking out the word "Roane" and inserting in lieu thereof the word "Grainger."

And the question thereon being had, was determined in the negative—yes, 11—noes, 12.

The ayes and noes being demanded,
The affirmative voters were:
*M*essrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *M*otely, Nelson, Peyton, Sevier, and Williams—11.
The negative voters were:
*M*essrs. Gardner, Hardwicke, Johnson, Laughlin, *M*artin, *M*atthews, *M*iller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—12.
So said amendment was rejected.
The question then recurred upon the passage of said bill, which being had, was determined in the affirmative—ayes, 12—nays, 11.
The ayes and noes being demanded,
The affirmative voters were:
Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—12.
The negative voters were:
Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Sevier, and Williams—11.
So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.
On motion of mr. Warner,
The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, DEC. 17, 1841.

Mr. Maclin presented the petition of sundry citizens of the county of Fayette, praying that they may not by law be attached to and made part of Tipton county,
Which being read, was on motion of mr. Maclin, transmitted to the House of Representatives.
Mr. Maclin presented a petition from sundry citizens of Memphis and elsewhere, relating to the La Grange and Memphis Rail Road Company, and praying relief and for other purposes,
Which being read, on motion of mr. Maclin, was ordered to be transmitted to the House of Representatives.
Mr. Foster, chairman from the committee on the Judiciary, to whom had been referred the petition of the heirs of Isaac Baker dec'd, praying that senior and minor heirs may be authorised by law to sell and dispose of certain lands which descended to said heirs, from their deceased ancestor—reports that said committee have had the same under consideration, and have directed him to submit the following

REPORT:

The Judiciary committee have had under consideration the petition of Jane Baker and others, praying the passage of a special law authorising them as minor heirs, to sell or have sold real estate to them descended, and have directed me to report that the prayer of the petitioners ought not to be granted. Because the passage of such a law, if not clearly unconstitutional, would involve the purchasers of land sold under such a

law in litigation, and perhaps involve loss of the land, and because by the acts of 1823, chap. 37—and 1827, chap. 54—the Legislature have vested in the Judiciary ample power to extend and give the relief desired by the prayer of the petitioners, when proper to be granted.

All of which is respectfully submitted,

ROBERT C. FOSTER, jun. Chairman, &c.

Which being read, and the sense of the Senate thereon had, said report is concurred in and said petition rejected.

Mr. Nelson chairman from the committee on Internal Improvement, to whom had been referred a resolution adopted by the Senate, on the 9th October, 1841, and concurred in by the House of Representatives on the 25th of the same month, having on a former day, of the present session of the General Assembly, submitted the Report of said committee, adopting therefor the Report of the Secretary of State, for the State of Tennessee, made to the present General Assembly, relating to Internal Improvement by the State, which report, had by order of the Senate, been re-committed to said committee with instructions—under which the following Report is now submitted, to wit:

The committee on Internal Improvement to whom was referred the resolution of the Senate of the 14th December last, and the supplemental resolution of the 14th instant, beg leave to submit the following

REPORT:

By the law passed 19th January 1838, the sum of four millions of dollars were appropriated to public works, sixteen hundred thousand dollars of which were appropriated to Middle Tennessee, fourteen hundred thousand dollars to East Tennessee, and one million of dollars to West Tennessee. Of the portion allotted to Middle Tennessee $1,337,166 have been subscribed to McAdam roads, of the portion allotted to East Tennessee $1,300,000 have been subscribed to two Railroads, and of the portion to West Tennessee the sum of $339,500 have been subscribed to Railroads and graded Turnpike roads.

Of the sum subscribed to public works in Middle Tennessee, bonds of the State to the amount of $880,166, have already been issued; of the sum subscribed to public works in East Tennessee, the bonds of the State to the amount of $357,000, have been issued, and of the sum subscribed to West Tennessee the bond of the State to the amount of $247,750, have been issued.

Of the amount subscribed to public works in East Tennessee, the State subscription to the L. C. & C. Railroad Company has been conditionally relinquished, showing a balance of $650,000 to be appropriated to farther works in that division of the State, agreeably to the laws of 1837.—In Middle Tennessee there is yet to be subscribed on the part of the State $122,834, and in West Tennessee $560,000, inclusive of the appropriation of $100,000 to each division of the State for the improvement of rivers.

In answer to the other subjects referred to the committee, they report, that the State has subscribed for Stock in the Harpeth and Farmington Road, agreeably to law, but no bonds have been issued, nor have any steps been taken in relation to said Road, that your committee can learn.

but the mere organization of the Company. The charter of said Company has expired, and consequently nothing will be done further with it. In relation to the Fayetteville and Shelbyville road, the Company was organized agreeably to law, and the State subscribed for the amount of stock required by law, and $16,000 of bonds have been issued to the Company; but as the charter of the Company has neither expired or been abandoned, your committee cannot say whether or not it will be prosecuted. The Lebanon and Carthage McAdam Road Company have not been organized; no stock has been subscribed thereto by the State, and no expectation is entertained that the road will ever be commenced. Your committee have no evidence to believe that any other company in which the State is a stockholder, except the L. C. & C. Railroad Company above alluded to, will return the bonds issued to them by the State, nor has the charter of any company in which the State is a stockholder, either expired or been abandoned, except the Harpeth and Farmington.

All of which is respectfully submitted,

J. R. NELSON, Chairman.

Which being read, was laid on the table.

Mr. Jennings asked and obtained leave of the committee on the Penitentiary, whose duty it is on this day to visit and examine said Institution and report thereon to the General Asssembly at the present session.

A message from the House of Representatives by mr. Mitchell their Clerk:

Mr. Speaker: The House of Representatives have taken up and passed upon a third and last reading the following engrossed bill, entitled,

A bill to amend the act of 1823, chapter 21, in relation to delinquent constables.

Also the following engrossed resolution:

To amend the 4th section of the 10th article of the Constitution of the State of Tennessee, so as to permit the Legislature of Tennessee to divide the county of Perry, which I am directed to transmit to the Senate and ask its concurrence therein—and then he withdrew.

On motion of mr. Ledbetter the Senate took up and considered a bill to remove the seat of Government from Nashville.

Which being read, mr. Foster moved to amend said bill, by striking out the word "McMinnville," and inserting in lieu thereof the word "Franklin," and the question being thereon had was determined in the affirmative—ayes 14, noes 10.

The ayes and nays being demanded by mr. Foster,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Warner and Williams—14.

The negative voters were:

Messrs. Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse and mr. Speaker Turney—10.

So said amendment was adopted.

Mr. Jennings moved to lay the bill on the table, and the question thereon being had was determined in the negative—ayes 11, nays 14.

The ayes and noes being demanded by mr. Jennings,
The affirmative voters were:
Messrs. Ashe, Frey, Gardner, Hardwicke, Jennings, Motley, Nelson, Peyton, Reneau, Sevier and Williams—11.
The negative voters were:
Messrs. Bradbury, Foster, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr Speaker Turney—14.
So said motion was rejected.

Mr. Warner moved a re-consideration of the vote striking out the word "McMinnville," and inserting in lieu thereof the word "Franklin;" and the question thereon being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded by mr Warner,
The affirmative voters were:
Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Powell, Ross, Waterhouse, Warner and Speaker Turney—15.
The negative voters were:
Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Nelson, Peyton, Reneau, Sevier and Williams—10.
So said motion prevailed.

Mr. Foster renewed his motion to strike out the word "McMinnville," and to insert the word "Franklin."

Mr. Warner moved to amend the amendment of mr. Foster, by striking out the word "Franklin," and to insert Columbia in lieu thereof; and the question being thereon had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded by mr. Matthews,
The affirmative voters were:
Messrs. Gardner, Hardwicke, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and Speaker Turney—13.
The negative voters were:
Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.
So said motion prevailed.

The question then recurred upon striking out the word "McMinnville," and inserting the word "Columbia."

Mr. Nelson moved to insert the word "Sparta" in lieu of "Columbia." The amendment, as offered by mr. Nelson, was decided as being out of order.

The question was then had upon striking out "McMinnville," and inserting in lieu thereof "Columbia," which was determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,
The affirmative voters were:
Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Maclin, Martin, Matthews, Peyton, Reneau, Ross, Sevier and Warner—14.
The negative voters were:

Messrs. Frey, Johnson, Laughlin, Ledbetter, Miller, Motley, Nelson, Powell, Waterhouse, Williams and Speaker Turney—11.

So said amendment was adopted.

Mr. Jennings moved to re-consider the vote amending said bill, by striking out the word "McMinnville," and inserting the word "Columbia."

Mr. Foster moved to lay the bill and motion to re-consider on the table; which being considered, said motion to lay the bill and motion to re-consider the vote striking out "McMinnville" and inserting "Columbia," was rejected.

The question recurred upon the motion of mr. Jennings to re-consider the vote striking out "McMinnville" and inserting "Columbia," was had and determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Maclin, Martin, Matthews, Peyton, Reneau, Ross, Sevier and Warner—15.

The negative voters were:

Messrs. Johnson, Laughlin, Ledbetter, Miller, Motley, Nelson, Powell, Waterhouse, Williams and Speaker Turney—10.

So said amendment was adopted.

The question then recurred upon the passage of said bill; which being had, was determined in the negative—ayes 10, noes 15.

The affirmative voters were:

Messrs. Bradbury, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Powell, Waterhouse and Warner—10.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Williams and Speaker Turney—14.

So said bill was rejected.

Mr. Turney moved a re-consideration of the vote rejecting said bill; which being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Powell, Ross, Waterhouse, Warner, Williams and Speaker Turney—15.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Motley, Nelson, Peyton, Reneau and Sevier—10.

So said motion to re-consider the rejection of said bill, prevailed.

Mr. Warner moved to re-consider the vote striking out "McMinnville" and inserting "Columbia;" and the question thereon being had, was determined in the affirmative—ayes 16, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Mac-

lin, Martin, Matthews, Miller, Motley, Powell, Ross, Waterhouse, Warner, Williams and Speaker Turney—16.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Nelson, Peyton, Reneau and Sevier—9.

So said motion prevailed.

Mr. Matthews moved to strike out *McMinnville* and insert Columbia; which he afterwards withdrew.

Mr. Nelson moved to amend said bill by striking out the word "*McMinnville*," and inserting the word "Sparta."

Mr. Johnson moved to amend said amendment by inserting "Knoxville" in lieu of "Sparta;" and the question being thereon had, was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs, Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse and Williams—15.

The negative voters were:

Messrs. Gardner, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Motley, Ross, Warner and mr. Speaker Turney—10.

So said amendment was adopted.

Mr. Turney moved to strike out Knoxville and insert *Murfreesborough*: this was decided to be out of order.

Mr. Ledbetter moved to lay the bill on the table; and the question being thereon had, was determined in the negative—ayes 5, noes 20.

The ayes and noes being demanded, the affirmative voters were:

Messrs. Foster, Hardwicke, Laughlin, Ledbetter and Peyton—5.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Jennings, Johnson, *Maclin*, *Martin*, *Matthews*, *Miller*, *Motley*, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, Williams and mr. Speaker Turney—20.

So said motion was rejected.

Said bill, as amended, was read a third and last time: and the question on the passage thereof being had, was determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Johnson, Laughlin, *Maclin*, Martin, Miller, Nelson, Powell, Reneau, Ross, Waterhouse, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Ashe, Foster, Gardner, Hardwicke, Jennings, Ledbetter, *Matthews*, *Motley*, Peyton, Sevier and Warner—11.

So said bill was passed upon its third and last reading.

Mr. Johnson moved that the Senate adjourn until 2 o'clock P. M.

On motion of mr. Nelson,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Foster moved that the Honorable Senator from Lincoln have leave of absence until Monday morning, the 27th instant; which motion prevailed.

On motion of mr. Foster—to give time to the committee on the Penitentiary to visit that institution, to inspect, examine and report thereon.

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, DEC. 18, 1841.

Mr. *Maclin* presented the petition of the stockholders of the *Memphis* and La Grange Railroad Company, relating to the purchase by the State of Tennessee of the interest of the petitioners in said Railroad; which being read, was, on motion of mr. Maclin, transmitted to the House of Representatives.

Mr. Maclin presented the petition of sundry citizens of the State of Tennessee, concerning the surrender to the State of the stock owned by citizens of said State in the *Memphis* and La Grange Railroad Company, and relating to the advancement and condition of said road; which being read, was, on motion of mr. *Maclin*, transmitted to the House of Representatives.

Mr. Maclin presented the petition of sundry citizens of Shelby county, protesting against the passage of a bill, proposing to attach a portion of Shelby county to Tipton county; which being read, was, on motion of mr. Maclin, transmitted to the House of Representatives.

The Senate, on motion of mr. Powell, took up and considered a resolution by him submitted on the 16th instant, that a select committee be appointed, one from each of the grand divisions of the State, to enquire into the expediency and propriety of amending the law appropriating three hundred thousand dollars for the improvement of the navigation of the rivers in this State; that the bonds issued, or to be issued to create said fund, bear an interest of six per cent. per annum; that said committee be instructed to report, by bill or otherwise.

Which being read, said resolution was adopted.

Ordered, that messrs. Powell, Foster and Gardner, be appointed of said committee.

Mr. Foster introduced a bill to authorise the appointment of a Receiver, for each Chancery court in this State; which bill was read a first time and passed.

Mr. Turney moved a re-consideration of the vote of the Senate upon a bill to remove the seat of government from Nashville, had on yesterday, upon its third and last reading, removing the seat of government to the town of Knoxville, in the county of Knox.

The Senate took up and considered a bill to define and make certain the manner of laying out private ways.

Which being read, mr. Martin moved to amend said bill by striking out of the 6th section, after the words "any of the jurors," the word "summoned," and insert in lieu thereof the word "appointed."

Mr. *Martin* moved further to amend the 6th section of said bill, by striking out after the words "appointed by the," the word "sheriff," and insert in lieu thereof the word "court;" which amendments being read and considered by the Senate, were adopted.

Mr. Warner moved to amend the fourth section of said bill, by striking out the following words: "and to six cents per mile in going to and returning from the place where he may be summoned to attend to discharge said duties." Which amendment being read and considered by the Senate, was adopted.

And said bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 17, noes 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson Maclin, Martin, Miller, Motley, Nelson, Peyton, Powell, Sevier, Waterhouse and Williams—17.

The negative voters were:

Messrs. Ledbetter, Matthews and mr. Speaker Turney—3.

So said bill was passed on its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Messrs. Foster and Warner were present, asked to be, and were excused from voting upon said bill, on their own motion.

The Senate took up and considered a bill from the House of Representatives, to amend the charter of the Martin Academy at Jonesborough, and for other purposes.

Which bill, as amended, was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives making William Staples, of the county of Morgan, a corporation sole, for the purpose of constructing a turnpike road.

Which bill was read a third and last time, and the question, Shall said bill pass? being had, was determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives for the relief of commissioners appointed to superintend the improvement of the navigation of the Frenchbroad river, at the Hanging Rock and Seven Islands; which being read, was, on motion of mr. Waterhouse, laid on the table.

Mr. Ledbetter introduced a bill to prevent betting on elections; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the act of 1823, chap. 21, in relation to delinquent constables; which bill was read a first time and passed.

A message from the House of Representatives by mr .Mitchell their clerk

.Mr. Speaker The House of Representatives has read a third and last time and passed the following entitled bill

A bill to amend the charter of incorporation of the Spring Hill Female Academy, in .Maury county, which was ordered to be engrossed and transmitted to the Senate, in which I am directed to ask the concurrence of the Senate—and then he withdrew

The Senate on motion of mr. Jennings took up and considered a bill to incorporate the Sycamore .Manufacturing Company.

Which bill was read a third and last time, and the question, "shall said bill pass," was had and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Waterhouse introduced a bill giving George W. Williams and Josiah M. Anderson further time to complete a Turnpike road,

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives, to authorise the Governor of Tennessee to commute capital punishment, to imprisonment for life in the Penitentiary, in certain cases,

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives relating to the adjudication of land warrants,

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives, to appoint Trustees to receive the donation of William Wright, deceased, and for other purposes,

Which bill was read a first time and passed.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third and last time and passed the following entitled bills:

A bill to amend an act entitled, An act to reform and amend the penal laws of the State of Tennessee, passed the 9th of December 1839.

A bill to amend the laws in relation to Forcible entry and detainer, which I am directed to transmit to the Senate and ask a concurrence thereon.

The House of Representatives took up and read the petition of 107 citizens of Tipton county praying the General Assembly to require the banks to resume specie payment, which I am directed to transmit to the Senate.

The Speaker of the House of Representatives, did this day sign the following enrolled bill: entitled,

An act to amend the law in relation to common schools in Lincoln county, which I am directed to transmit to the Senate for the signature of the Honorable Speaker thereof—and then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be transmitted to the House of Representatives for its further action thereon.

The Senate took up and considered a bill from the House of Representatives to amend the charter of incorporation of Spring Hill Female Academy, in Maury county,

Which bill was read a first time and passed.

The Senate took up and considered a resolution from the House of Representatives to amend the 4th section of the 10th article of the Constitution of the State of Tennessee, so as to permit the Legislature of the State of Tennessee to divide the county of Perry,

Which resolution being read, and the question "shall said resolution pass?" was had and determined in the affirmative—ayes 15, nays 5.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Foster, Jennings, Johnson, Maclin, Martin, Matthews, Nelson, Peyton, Sevier, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Hardwicke, Ledbetter, Miller, Motley and Warner—5.

So said resolution was passed upon its first reading.

On motion of mr. Williams,

The Senate adjourned until Monday morning next at 9 o'clock.

MONDAY, DEC. 20, 1841.

Mr. Warner introduced a bill to incorporate the Marshall Academy, in Marshall county.

Which was read a first time and passed.

The Senate on motion of mr. Martin took up and considered a bill to amend the charter of incorporation of the Spring Hill Female Academy in Maury county,

Which bill was read a second time and passed.

Mr. Jennings introduced a bill to provide for and regulate the inspection of Tobacco.

Which was read a first time and passed.

Mr. Gardner asked and obtained leave to withdraw said bill for amendment.

Mr. Gardner submitted the following:

Whereas, the present Revenue system of this State, so far as the same is designed to enforce the collection of taxes on real estaste, is manifestly defective, and inefficient, and

Whereas, the inefficiency in our Revenue laws operate to deprive the State, as also many of the counties thereof, of a large amount of Revenue which they are justly entitled to receive, and

Whereas, the state of things produces an unjust and oppressive inequality in the imposition and distribution of public burthens amongst the citizens of this State in contributing the necessary means to the support of the State and county governments—

For remedy whereof:

Resolved, by the General Assembly of the State of Tennessee, That the Judges of the Supreme Court of this State, now in session, in this

city, be and they are hereby requested to prepare and report a bill to improve and render more efficient the present Revenue system of this State, in reference to the collection of taxes on land and town lots, and that they be requested to perform this duty as early as may comport with their Judicial engagements, with a view to the speedy action of this General Assembly on the bill which they may report.

Resolved, That a copy of the foregoing be furnished to each of the Judges,

Which being read, was laid on the table.

Mr. Laughlin submitted the following preamble and resolutions:

Whereas, two vacancies exist in the Senate of the United States from this State: and

Whereas, in choosing Senators to fill said vacancies, the popular will should be consulted and obeyed, so far as the same is known and can be ascertained: and

Whereas, it is manifest that the people of this State are nearly equally divided in political sentiment—one portion having at the general election in August last, acted and voted with the Democratic party, and the other portion with the Whig party; and the result of the said election was, that a majority of Democratic members were elected and returned to the Senate, and a majority of Whig members were elected and returned to the House of Representatives of this General Assembly: and

Whereas, it would be unjust and improper, as not reflecting the will of the whole people of the State, to elect two Senators of the Whig party, thereby leaving the Democratic party without a voice in the Senate of the United States, and more especially two Senators who conceal their opinions on important public subjects, and refuse to avow them when respectfully interrogated by members of this General Assembly: And,

Whereas, it would be equally unjust and improper, as not reflecting the will of the whole people of the State to choose two Senators of the Democratic party, thereby leaving the Whig party without a voice in the Senate of the United States: And,

Whereas, it is manifest from the ineffectual attempts, which have been made at the present General Assembly, that neither party can succeed in choosing two Senators of their own party, and that no choice can be made but upon principles of mutual concession and compromise—Therefore,

1. *Resolved by the General Assembly of the State of Tennessee*, That it is expedient and proper to choose two Senators to the Congress of the United States, to fill the two vacancies in that body from this State, one of whom shall be of the Democratic party, and the other of whom shall be of the Whig party.

2. *Resolved*, That in order to carry into effect the foregoing resolution, Hopkins L. Turney, a citizen of the county of Franklin, in this State, being a member of the Democratic party, who has admitted the right of instruction, and has responded to interrogatories upon public subjects propounded to him by members of this General Assembly, be and he is hereby chosen a Senator in the Congress of the United

States, to fill the vacancy occasioned by the death of the Honorable Felix Grundy, late a member of that body.

3. *Resolved*, That in order to carry into further effect the first of the foregoing Resolutions, that Thomas Brown, a citizen of the county of Roane in this State, a member of the Whig party, who has admitted the right of instruction, and has responded to interrogatories on public subjects, propounded to him by members of this General Assembly, be and he is hereby chosen a Senator in the Congress of the United States, to fill the vacancy occasioned in that body by the expiration of the constitutional term of service of the former incumbent, being the unexpired remainder of the term of six years commencing on the 4th of March, 1841.

Which being read was laid on the table.

Mr. Ashe introduced a bill to incorporate the Trenton, Brownsville, and Somerville Turnpike company.

Which was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives, to amend an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed 9th of December, 1829.

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to regulate and simplify the distribution and division of the estates of persons dying insolvent, passed October 18th, 1841.

Which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to appoint Trustees, to receive the donation from William Wright, deceased, and for other purposes.

Which bill being read, mr. Foster moved the following amendment:

Provided that said Trustees shall not acquire, or have, or possess under this act any other property as such trustees than the donation of said William Wright.

Which amendment being read and considered by the Senate, was adopted.

And said bill as amended, was read a second time and passed.

The Senate then took up and considered a bill from the House of Representatives to authorize the Governor of Tennessee, to commute capital punishments to imprisonment for life in the Penitentiary, in certain cases.

Which being read, said bill was, on motion of mr. Reneau, referred to the committee on the Judiciary.

The Senate took up and considered a bill from the House of Representatives, to amend the act of 1823—chapter 21, in relation to delinquent constables.

Which being read—mr. Foster moved to amend said bill by adding thereto the following:

Provided, that nothing herein contained shall be so construed as to authorize a judgment by motion against a constable or other officer and

his securities, except in cases where the debt or demand collected, was originally cognizable before a justice of the peace.

Which amendment being read and considered by the Senate, was adopted.

Mr. Warner moved to amend said bill by inserting therein after the words "twelve and a half per cent interest," the words "from and after the time application or demand is made for said money so received."

Which amendment was read, considered, and adopted.

Said bill as amended was read a second time and passed.

The Senate, on motion of mr. Reneau, took up and considered a bill from the House of Representatives, to charter the Sevier county Turnpike company; which being read, mr. Warner moved to amend said bill, by adding thereto the following:

Sec. 15. *Be it enacted*, That the real and personal property of the individuals composing said company be, and the same is hereby made liable for the payment of the debts contracted by said company, or for any debt or debts contracted by the authority aforesaid; which being read, and the question, Shall said amendment be adopted? being had, was determined in the negative—ayes 7, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Johnson, Laughlin, Martin, Matthews, Warner and Waterhouse—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Maclin, Miller, Motley, Nelson, Reneau, Sevier, Williams and mr. Speaker Turney—14.

Said amendment was rejected.

And said bill, as amended, was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives, relating to the adjudication of land warrants; which bill being read, mr. Foster moved to lay it on the table, which motion he afterwards withdrew.

Mr. Gardner moved to refer said bill to the committee on public lands; which motion prevailed, and said bill was referred.

On motion of mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered a bill from the House of Representatives, to amend the laws in relation to forcible entry and detainer; which bill was read a first time and passed.

On motion of mr. Gardner, said bill was referred to the committee on the judiciary.

The Senate took up and considered a bill to amend an act entitled "an act to amend an act passed the 9th day of February, 1836, chap. 15;" which being read, mr. Gardner moved to strike out the word "first," occurring in said bill before the words "day of December,"

and insert in lieu thereof the word "last;" which being considered by the Senate, was adopted.

Mr. Williams asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered a bill to amend the act of 1821, chap. 14, relating to cases of forcible entry and detainer; which bill, on motion of mr. Gardner, was referred to the judiciary committee.

The Senate took up and considered a bill directing the internal improvement books, records and papers, to be transferred from the office of the Secretary of State, to the office of the Comptroller of the Treasury, and for other purposes.

Mr. Laughlin moved to amend said bill by striking out the word "further" in the enacting part of said bill, wherever the same occurs; which being considered by the Senate, said amendment was adopted.

Said bill, as amended, was read a third and last time; and the question recurring on the passage of said bill, was had and determined in the affirmative—ayes 15, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Motley, Nelson, Peyton, Powell, Sevier and Williams—15.

The negative voters were:

Messrs. Martin, Matthews, Miller, Warner, Waterhouse and mr. Speaker Turney—6.

So said bill was passed upon its third and last reading, was ordered to be engrossed, and transmitted to the House of Representatives.

The Senate, on motion of mr. Williams, took up and considered a resolution by him submitted, instructing the committee on internal improvement to enquire into the expediency of accepting the proposition of the Louisville, Cincinnati and Charleston Railroad Company, relating to the release of the State of Tennessee as a stockholder in said railroad company, and the surrender of the bonds of the State of Tennessee to the amount of $650,000, upon certain conditions; which being read, mr. Williams submitted the following in lieu of said resolution:

Resolved, by the General Assembly of the State of Tennessee, That the committee upon internal improvement be instructed to enquire into the expediency of accepting the proposition of the Louisville, Cincinnati and Charleston Railroad Company, to discharge the State from further liability as a stockholder in said road upon the payment of $2 40 cents per share, the estimated expense of surveys in this State by said company, and that they report by bill or otherwise; which being read, said amendment was adopted in lieu of the original resolution—and was read and adopted.

Ordered, that the clerk acquaint the House of Representatives therewith, and ask the concurrence of the House therein.

The Senate took up and considered a bill giving George W. Williams and Josiah M. Anderson further time to complete a Turnpike road; which bill was read a second time and passed.

The Senate took up and considered a bill to authorise the appointment of a receiver for each Chancery court in this State; which bill was read a second time; when mr. Hardwicke moved to amend said bill by adding thereto the following: Provided, the provisions of the above act shall not extend to the Western Chancery District of the State of Tennessee.

Mr. Nelson moved the indefinite postponement of said bill and amendment; and the question thereon being had, was determined in the affirmative—ayes 16, noes 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Frey, Hardwicke, Jennings, Johnson, Ledbetter, maclin, martin, matthews, miller, motley, Nelson, Peyton, Sevier, Warner, Waterhouse and Williams—16.

The negative voters were:

Messrs. Foster, Laughlin and mr. Speaker Turney—3.

So said bill was indefinitely postponed.

Mr. Martin introduced a bill to secure the estates of orphans; which bill was read a first time and passed.

On motion of mr. Nelson,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, DEC. 21, 1841.

The Senate, on motion of mr. Ledbetter, took up the consideration of a resolution by him submitted on yesterday, relating to the further prosecution of a suit in chancery, brought by the State of Tennessee against the Jefferson Turnpike Company, upon the allegation of fraud in the obtaining bonds of the State, which allegation is denied by the stockholders of said company; and proposing that the whole matter be referred to a select committee, who shall consider the matters alleged in said bill, and answer with a view to a speedy adjustment of the suit, &c.; which being read, said resolution was adopted.

Ordered, that messrs. Nelson, Martin, Maclin, Foster and Ledbetter, be appointed of said committee.

Mr. Reneau submitted the following:

Whereas, by the 4th section of the 2d article of the constitution of the State of Tennessee, it is provided, that "an enumeration of the qualified voters, and an apportionment of the Representatives in the General Assembly, "shall be made in the year one thousand eight hundred and forty-one, and within every subsequent period of ten years."

And whereas, no body in this State can have constitutional authority to make laws, elect Senators to Congress, or to elect the officers of the State whose appointment by the constitution is vested in the Legislature, unless the members of that body are elected in conformity with the provisions of the constitution; and no valid election for members to the Legislature can take place from any county or district, unless such county or district has an express, subsisting and continuing au-

thority from that instrument or law, passed in accordance with its provisions for holding the same at the time it is gone into. And

Whereas, it is provided in the Consitution, that as necessary to the election of members to the Legislature, "*an apportionment of the Representatives in the General Assembly shall be made in the year* 1841, *and within every subsequent term of ten years;*" it follows that unless a law making such "apportionment" be passed before the first day of January 1842, there can be no elections constitutionally held for members of the Legislature after that day; because there will be no subsisting authority in that instrument, or any law passed in accordance with its provisions, for holding such elections. From all of which it follows that the passage of a law, laying off Senatorial and Representative districts, demands the immediate and pressing attention of both parties in this General Assembly; and that they unite together in a spirit of concession and compromise, to effect the work so imperiously required.—Therefore:

Resolved, By the General Assembly that a committee of —— be appointed by the Senate to act with one to be appointed by the House of Representatives, to Report a bill as soon as practicable, laying off Senatorial and Representative districts in conformity with the spirit and requirements of the Constitution,

Which being read, was laid on the table.

The Senate on motion of mr. Reneau took up and considered a bill from the House of Representatives, to charter the Sevier County Turnpike Company,

Which was read as amended a third and last time.

Mr. Waterhouse offered the following amendment to said bill;

Sec. 15. *Be it enacted*, That the Legislature shall have the power at any time, to alter, amend, or repeal said charter, when in their opinion the public interest shall require it,

And said amendment being read, and the question upon the adoption of said amendment being had was determined in the negative—ayes 9, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Warner and Waterhouse—9.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Foster, Jennings, Ledbetter, Miller, Nelson, Peyton, Sevier, Williams and mr. Speaker Turney—13.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had was determined in the affirmative,

So said bill as amended was passed upon its third and last reading, was ordered to be transmitted to the House of Representatives.

Ordered that the Clerk acquaint the House of Representatives with the amendments made to said bill by the Senate, and ask a concurrence therein.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives has read a third and last time and passed the following entitled bill:

A bill to revive an act entitled an act for the benefit of certain reservees, chapter 21, passed at Murfreesborough August 22, 1822, and to revive an act, entitled an act to revive an act entitled an act for the benefit of certain reservees, passed at Murfreesborough in 1823, chapter 175, and to revive an act passed at Murfreesborough 1825, chapter 12, entitled an act to revive an act entitled an act for the benefit of certain reservees, passed at Murfreesborough August 22d, 1822—which I am directed to transmit to the Senate and ask a concurrence therein.

Also a resolution, directory to the Superintendent of Public Instruction, adopted by the House of Representatives, which I am directed to transmit to the Senate and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign an enrolled act, entitled an act, creating William Staples, of the county of Morgan, a corporation sole, for the purpose of constructing a Turnpike road—and then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled act, and ordered that the same be transmitted to the House of Representatives, for further action thereon to be had.

On motion of mr. Ledbetter, the Senate took up and considered a bill from the House of Representatives to suppress illegal gaming,

Which being read, mr. Foster moved to amend the nineteenth section thereof, by striking out after the words "guilty of aiding in the," the word "transporting," and inserting in lieu thereof the words "coming or bringing, or cause to be brought," which being read, and considered of by the Senate, said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate, on motion of mr. Ledbetter, took up and considered a bill to prevent betting on elections, which being read,

Mr. Turney moved to amend said bill by adding the following thereto:

Sec. 5. Be *it enacted*, That so much of the act of 1823, chapter 25, prohibiting treating at elections, as requires two or more grand jurors to have a knowledge of the fact, before a presentment can be made, be repealed, and hereafter presentments may be made under the provisions of the said act, upon the knowledge of one grand juror, as in other cases, which being read, and the question upon the adoption of said amendment being had was determined in the affirmative—ayes 15, nays 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Bradbury, Johnson, Maclin, Martin, Matthews, Miller, Motley, and Nelson—8.

So said amendment was adopted.

Mr. Williams moved to amend said bill by adding the following:

Sec. 6. Be it enacted, That debts upon all wagering contracts, when

the same shall be reduced to writing, shall be recoverable in law as other debts, provided, that nothing herein contained, shall be so construed as to prevent the punishment of offenders against the laws of gaming.

Which being read; and the question upon the adoption of said amendment being had, was determined in the negative—ayes, 5—nays, 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Johnson, Maclin, Sevier and Williams—5.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Reneau, Waterhouse, Warner and Speaker Turney—17.

So said amendment was rejected.

Mr. Nelson moved the indefinite postponement of said bill, and the question thereon being had was determined in the negative—ayes, 9—nays, 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Maclin, Matthews, Miller, Motley, Nelson, Sevier, Warner and Williams—9.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Martin, Peyton, Reneau, Waterhouse, and mr. Speaker Turney—14.

So said motion to postpone indefinitely was rejected.

Said bill as amended was read a second time and passed.

On motion of mr. Matthews,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of mr. Martin, took up and considered a bill from the House of Representatives, to amend the charter of incorporation of the Spring Hill Female Academy, in Maury county.

Which bill was read a second time and passed.

The Senate, on motion of mr. Warner, took up and considered a bill to incorporate Marshall Academy, in the county of Marshall.

Which being read, mr. Warner moved to amend said bill by inserting in the blank occurring in said bill after the words, "General Assembly of the State of Tennessee, That," by inserting in said blank the following names, to-wit:

"James C. Record, George W. Haywood, James Osburn, Levi Cochran, Thomas Ross, Benjamin Williams and John Paxton."

Mr. Warner moved further to amend said bill by striking out of the fourth section, after the words "appointing a treasurer every," the word "three," and inserting in lieu thereof the word "four."

Which amendments being read and considered by the Senate, were adopted.

And said bill as amended was read a second time and passed.

The Senate, on motion of mr. Gardner, took up and considered a resolution by him submitted on the 20th inst., proposing to request the judges of the supreme court of this State, to report a bill to amend the revenue laws of this State in reference to the collection of taxes on real estate.—Which being read,

And the question on the adoption of said resolution being had, was determined in the negative—ayes, 6—nays, 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Laughlin, Powell, Sevier, and mr. Speaker Turney—6.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Warner, Waterhouse, and Williams—17.

So said resolution was rejected.

Mr. Foster introduced a bill to amend the act of 1799, chap. 8.

Which bill was read a first time and passed.

Mr. Waterhouse introduced a bill prescribing the time, place and manner of choosing Senators to the Congress of the United States.

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed 9th of December, 1829.

Which being read a second time, on motion of mr. Martin, said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives, to amend an act entitled an act to regulate and simplify the distribution and division of the estates of persons dying insolvent, passed Oct. 18th, 1841.

Which bill was read a third and last time, and the question "Shall said bill pass?" was had and determined in the affirmative—ayes, 17—nays, 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Motley, Peyton, Powell, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Maclin, Martin, Matthews, Miller and Nelson—5.

So said bill was passed upon its third and last reading, was ordered to be transmitted to the House of Representatives for enrolment.

The Senate took up and considered a bill from the House of Representatives to appoint Trustees, to receive the donation of William Wright, deceased, and for other purposes.

Which bill was read a third time, when mr. Foster moved to amend said bill by striking out the word "corporation,". wherever the same occurs in said bill, and inserting in lieu thereof the word "trustees."

Mr. Foster moved further to amend said bill by adding thereto the following:

Provided that said Trustees shall not acquire, or have, or possess under this act any other property as such trustees than the donation of said William Wright.

Which being read, and the sense of the Senate thereon being had, said amendments were adopted.

Mr. Ledbetter moved to amend said bill by striking out the whole thereof with the amendments after the caption and preamble, and offered the following in lieu thereof:

Be it enacted by the General Assembly of the State of Tennessee, That Alexander L. P. Green, John F. Hughes, George W. Dye, John B. *Mc*Ferren and James G. Henning, be, and they are hereby appointed Trustees under the last will and testament of William Wright, deceased, late of *M*ontgomery county in this State, to receive the bequests in said will to the *M*ethodist Episcopal Church, and to appropriate the same according to the will and intention of the donor, and that they have, enjoy and possess the same powers and privileges, as if they had been appointed Trustees for such purpose by said will.

Which amendment being read—

*Mr. M*artin moved the indefinite postponement of said bill and amendments and the question thereon being had, was determined in the negative—ayes, 7—nays, 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Maclin, Martin, Miller, Nelson, Powell, Waterhouse and mr. SpeakerTurney—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Peyton, Sevier, Warner and Williams—14.

So said motion to postpone said bill and amendments indefinitely was rejected.

The question then recurred upon the amendment offered by mr. Ledbetter, in lieu of the whole bill after the caption and preamble, with the amendments thereto.

And the sense of the Senate being thereon had,

Said amendment was adopted in lieu of the whole bill and amendments.

And said bill as amended was read a third and last time, and the question, Shall said bill pass as amended? being had, was determined in the affirmative—ayes 15—nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, matthews, Peyton, Sevier, Warner, and Williams—15.

The negative voters were:

Messrs. martin, miller, Nelson, Powell, Waterhouse, and mr. Speaker Turney—6.

So said bill as amended was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the amendments made to said bill by the Senate, and ask a concurrence therein.

On motion of mr. maclin,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, December 22, 1841.

Mr. maclin presented the report of the President of the La Grange Rail Road Company; which being read, was, on motion of mr. maclin, transmitted to the House of Representatives.

Mr. maclin presented the report of the Chief Engineer of the Memphis and La Grange Rail Road Company; which being considered, was, on motion of mr. maclin, ordered to be transmitted to the House of Representatives.

Mr. Nelson, chairman of the committee on Internal Improvement, to whom had been referred the memorial of the Hiwassee Rail Road Company, reports that said committee have had the same under consideration, and that by the permission of said committee the following report, as the report of said chairman alone on said memorial, is here submitted to the consideration of the Senate, and is as follows:—

The chairman of the committee on Internal Improvement, to whom was referred the memorial of the Hiwassee Rail Road Company, begs leave to present the following Report:

It is not the purpose of your committee at this time to enter into a discussion of the general question of Internal Improvement. Looking to the wants and interests of the State, and being actuated by that wise and liberal policy which should characterize all legislation, the General Assembly of 1837 fixed upon a system which was, at that time, considered broad, equitable and practicable. And although some objections may have been subsequently found to exist to that law, and notwithstanding experience may have suggested some alterations essential to the carrying out in their full extent the liberal and enlightened policy of the State, yet the general provisions of that law have, it is believed, not met the approbation of a very large majority of our common constituents. To have entered into a system by which the State would have become involved in an immense expenditure for public works, without providing the means of meeting the interest annually accruing on the debt thus contracted, would have been improvident, if not dishonest. With a wise reference to this consideration, our predecessors first fixed on an amount for which the State was to become liable, and then created an institution, or fiscal agent, a portion of whose profits, together with the dividends arising from public works, are set apart for the liquidation of the interest of the Internal Improvement debt. This part of the system has thus far worked well, the Bank having promptly paid in specie, semi-annually, all the accruing interest on the State Bonds up to the present time, and when the public works, now in progress of construction, or yet to be undertaken,

shall be completed, and the profits arising therefrom be made available by the State, no apprehensions can or ought to exist as to the adequateness of the fund which will be thus provided to meet the whole Internal Improvement liabilities of the State.

The sum set apart by the Legislature of '37 to be invested by the State in public works, was four millions of dollars. By a resolution adopted by the Senate on the ———, it was made the duty of the committee to examine and report the amount of the State liabilities for Internal Improvements, &c. By a subsequent resolution of the House of Representatives, the Secretary of State was called on for a similar report.

This report was drawn with great care, and embraces much important information, and as it has been examined and compared by your committee with the books and documents in the Secretary's office, they would respectfully refer the Senate to it for all the information sought to be obtained by the resolution referred to. Of the four millions set apart by the Legislature of '37 for public works exclusive of the improvement of the rivers, thirteen hundred thousand dollars were appropriated to the Eastern Division of the State; fifteen hundred thousand dollars to the Middle Division, and nine hundred thousand dollars to the Western Division.

Of the sums thus set apart for the respective divisions of the State, it will be seen, from the Secretary's report, that there has been subscribed by the State to public works in West Tennessee, three hundred and thirty-nine thousand five hundred dollars, and to Middle Tennessee one million three hundred and seventy-seven thousand one hundred and seventy-six dollars, leaving an amount, exclusive of the river appropriations, of one hundred and twenty-two thousand eight hundred and thirty-four dollars yet to be appropriated to the former, and five hundred and sixty thousand five hundred dollars to the latter.

The thirteen hundred thousand dollars set apart for East Tennessee was divided by the State's subscription for stock, in equal proportions, between the Louisville, Cincinnati and Charleston and the Hiwassee Rail Roads. The former of these improvements having been abandoned, so far at least as Tennessee is concerned, and that subscription having been formally relinquished by the Company, leaves a balance of six hundred and fifty thousand dollars to be appropriated to East Tennessee. What then is to be done with these unappropriated balances? Is the law of the 25th of January, 1840, to remain in force, by which the Governor is prohibited from subscribing on the part of the State for any additional stock in Internal Improvement Companies? Or is the liberal and enlightened policy of the Legislature of 1837 to be carried out and the means be afforded of intersecting the three grand divisions of the State with necessary and valuable improvements, and thus meeting the just and long cherished expectations of the community? Without intending at this time to discuss the question, your committee would remark that when additional public works are manifestly wanted, when the trade and travel of the country require them, and when the interest and prosperity of the community would thereby be promoted, it is unquestionably the duty

of the State, under existing circumstances, to step forward and aid in the construction of such public works, no matter in which division of the State, or without stopping to inquire whether East, Middle or West Tennessee has its *pro rata* State's subscription, until each has gone to the full extent of the compromise of 1837. There are some works already begun in which the State is largely interested, and which may require an additional subscription on her part to complete such improvement, and thus secure from absolute loss that which has already been expended. To give additional assistance to Companies unable to complete works already begun, will, doubtless, save thousands both to individuals and the State. And when this is manifestly necessary, is it not the imperative duty of the Legislature to step forward to the relief of such Companies? When this is the case, or when a new improvement is called for by the wants of the community, who is willing to turn coldly aside from these equitable demands, and deliberately close the purse strings of the State, when by her own deliberate acts these reasonable expectations have been excited, fostered and encouraged—only to be disappointed. At the time of the adoption of the Internal Improvement law of '37, such was the general wish of East Tennessee to have a communication by railway with the Southern Atlantic seaboard, that her delegates, with great unanimity, agreed in the opinion that the public interest would be best promoted by appropriating the entire amount of the public fund set apart for that division of the State, to the attainment of this desirable and all-important object. This was done by an equal division of thirteen hundred thousand dollars, as has already been observed, between two railways. One of these roads having been abandoned as impracticable, it was natural to expect that the views of the people of that portion of East Tennessee through which that road was expected to have passed, should have undergone some change in regard to the fund thus appropriated, and that they should now desire that interests, then of minor sonsideration, but now of primary importance to them, should be secured. That they should wish the construction of a graded turnpike to the North Carolina line, in addition to a McAdamized road from Knoxville, through the center of the State, to the Virginia line, is reasonable, and have many and important claims on the consideration of the Legislature.

But that they should desire that the entire fund relinquished by the Louisville, Cincinnati and Charleston Railroad Company should be expended in that portion of the State, in the construction of lateral branches of this main stem of McAdam road, is perhaps not asking more than is desirable for mere neighborhood purposes, but is probably asking more than individual enterprise could be found to co-operate in the completion of, than when completed would be profitable either to the State or to individual stockholders. But there are other interests which should not be overloooked; at least one half of East Tennessee still looks with absorbing interest to the attainment of the object which the Legislature of '37 had in view, in making an appropriation of a portion of the public fund to that portion of the State—namely, the opening of a communication by Railway with the South. Individuals stepped forward and have already

expended about three hundred thousand dollars of their private means in the prosecution of the great enterprise—they thus far struggled through difficulties numerous and appalling, and have kept their work slowly, yet steady moving forward without even attempting any frauds upon the State, but as will be seen by reference to the report of the commissioners appointed under the law of 1840, made after the strictest scrutiny into the affairs of the Company, and under the solemn obligation of an oath, have at all times acted in perfect good faith and with a due regard to the interests of all concerned. This company now comes forward and asks at the hands of the General Assembly, such assistance as will enable them to effect the great purpose which the Legislature of '37 had in view, an object in the attainment of which, all East Tennessee is either immediately or remotely interested. If the two Railroads in East Tennessee had both been constructed, the business would have been divided between them, and the State being equally interested in both, her profits, as well as that of individuals, must have been diminished, just in proportion to the expenses of keeping up two, instead of one road. If by the construction of one of these roads, which not only leads to the same point as the one abandoned, but as will hereafter be shown, opens to a more extensive and profitable market, will not the interest both of the State and of individuals, be best promoted by its completion? If, therefore, the interests of the State should be looked to in making any further appropriations of funds to public works, or in other words, if the profits arising therefrom be a legitimate object for the consideration of the Legislature, then your committee are of opinion that the true policy of the State, so far as East Tennessee is concerned, is to aid in the completion of the Hiwassee Railroad, and in conclusion of a central McAdam road from its termination at Knoxville to the Virginia State line, together with a graded road to the North Carolina line. These roads acting as feeders to each other, would increase the profits of all, and the interests of that portion of the State be secured and promoted: and it is believed that the fund now at the disposal of the Legislature and properly belonging to East Tennessee is sufficient for the attainment of these objects.

From the memorial of the Hiwassee Railroad Company which was referred to your committee, we are informed that nearly the whole of their road, lying between Blairs's Ferry on the Tennessee river and the Georgia line, being a distance of sixty-seven miles, has been graded, and that more than six hundred thousand dollars have been expended on the work. Here then, your committee are of opinion, are interests both of the State and individuals, of too much magnitude to be surrendered when it can be prevented by additional aid, and particularly when greater and more important results, than the mere saving money, will thereby be obtained.

Your committee also learn that the company failing, after repeated efforts to obtain the iron for their road in our own country at any price, and being unwilling to send the money abroad for this indispensable article, and thus deprive the country of so large an amount of capital, have determined to manufacture their own Railroad iron, and their establishment being located near the road on the Hiwassee river, where immense beds of the most valuable iron ore, have with praiseworthy liberality,

been given by individuals to the company, and so conveniently situated among the stockholders, that many of them can, and are paying their stock in provisions and work, for which the company would have to pay the cash, presents in the estimation of your committee additional claims on the liberality of the State. This project of the Hiwassee Railroad company to manufacture their own Railroad iron, has attracted the general and favorable notice of the country, and has called forth from the newspapers of the day in every direction, the highest encomiums, the most ardent wishes, and strongest hopes for the success of a company, which has stepped forward as the pioneer in an undertaking, which is to disenthrall the United States from a humiliating and ruinous dependence on England for this indispensible article, in the construction of those public works, which are not only destined ere long to bind these States together by the indissoluble ties of interest, but which are to become important links in the grand chain of national defence, which will render our common country impregnable against the combined efforts of Europe. And surely this Legislature will not refuse its aid and co-operation in the attainment of these important results.

But it is believed there is enough in the peculiar condition of East Tennessee to constitute claims of the strongest character to the liberality of the Legislature. Providence has blessed that portion of the State with a salubrious and healthy climate, with an excellent and productive soil, immense and never failing water power, inexhaustible beds of stone coal, iron ore and other minerals—in a word nature has most bountifully conferred on East Tennessee all the material or constituent parts requisite to make her in an eminent degree both an agricultural and manufacturing community.

Why then, it may be asked, has she made but little advancement either in agriculture or manufactures? Why, with all her immense and available resources is she comparatively poor, dependent, and depressed? The answer is plain and beyond controversy.

She has had no inducements to call forth her energies, or to excite and encourage her enterprise. East Tennessee is almost entirely surrounded by mountains, and is destitute of any road to market, for her principal river is not only so obstructed as to render it totally unfit for navigation, except for a few months in the year; but worse than all, it does not run in such a direction as will conduct the produce of the country to an adequate market. No amelioration of the condition of East Tennessee can be expected, or even hoped for, until a new and better channel of trade is opened to her citizens. In vain will her streams roll on west to the ocean, presenting innumerable water-falls, and inviting the attention of the manufacturer—in vain will developement after developement exhibit her valuable and boundless mineral wealth—in vain will her mountains and hills and valleys offer rich harvests to the grazier and the agriculturist, until an opening or daily thoroughfare is secured to a market, calculated to justify the calling into action and profitable requisition, those various and important resources.

Such an improvement is the Hiwassee Railroad. That this public work is such an one as is necessary, and will be productive of the interests, either directly or indirectly, of all East Tennessee.

Your committee would beg leave to refer the Senate, in general terms, to the following exhibition of facts, contained in the memorial of that company.

1. That the Hiwassee Railroad commences at Knoxville, the center of East Tennessee, and embraces within its immediate influence all those counties which lie between Knoxville and the Georgia State line, while all the counties east of that place, can by means of the numerous streams by which they are intersected, bring their products to the Railroad. So high a value does the State of Georgia set on the products or trade of East Tennessee, that she is vigorously engaged in the construction of a Railroad at the sole expense of that State, to connect with the Hiwassee Railroad at the Tennessee State line. This public work of Georgia extends into the interior of that State about one hundred and twenty miles, and will be met at its southern termination by two other Railroads, the one commencing at Charleston and running through Augusta; the other at Savannah, and passing through Macon. Of the rout from Charleston, near two hundred and fifty miles of Railroad are completed and in daily use; and on the Savannah rout, about two hundred miles are believed to be in operation; and the whole distance from the city of Savannah to Blair's ferry on the Tennessee river, with the exception of about twenty miles, is graded and in readiness to receive the superstructure; and each of these roads is being pushed forward with an energy, excited and increased by a rivalry to secure the trade of East Tennessee, which insures them certain and speedy construction. Alabama is also extending a Railroad from Montgomery, the head of steamboat navigation on the Alabama river, to connect with the Georgia improvements, and thus with the Hiwassee road.

Now, your committee would respectfully ask the Senate to look at these facts, and weigh them well. Here is an improvement undertaken, and thus far prosecuted, on joint account of the State and individuals, embracing in its benign influence, either directly or indirectly, the whole of that division of the State in which it is located, and opening a daily, uninterrupted thoroughfare for her products, not only to the whole of that wealthy and extensive portion of the south from Charleston to Mobile, but to every seaboard on the broad Atlantic.

This Railroad now comes forward, and solicits an increase of capital of the concern. They ask for a portion of the fund originally appropriated to another similar work, which was designed to extend to *one of the points* which will be reached through that channel; and your committee do believe, that if great and constantly increasing interests, if the promotion of beneficial results, which cannot be too highly estimated, constitute legitimate subjects for legislation, then may the Hiwassee Railroad hope for assistance at our hands.

There may be, and probably does exist an impression, that railroads are unprofitable stocks. If this were really true, where a road has not only been begun, and a large amount already expended in its construction, but when its completion would secure advantages of a most important and beneficial character to an extensive portion of the State, every principle of interest and patriotism forbid that such public work

should be abandoned. But to assume that railroad stocks are unproductive, is a position not warranted by facts and experience. It is true, that there are some railroads which, not only being badly located, but built with an expensive superstructure of small timbers and light three-flat iron rails, require such heavy annual expenditures to keep them in repair, that in the very nature of things, they cannot be profitable. But there is no one, at all conversant with the railroad statistics of the times, but must have observed that the stocks of all railroads which have been constructed with substantial timbers and iron, so as to bear the transportation of heavy burdens, have been more firm, and in greater demand, even through the unparalleled difficulties of the times, both in England and the United States, than any other stocks.

From the Railroad Journal of July last, we find that the Grand Juncture, the Great Western, the London and Birmingham, and the Liverpool and Manchester Railways, in England, are producing from eight to thirteen per cent. dividends, and that the stock of these roads is worth from fifty to one hundred per cent. premium. The capitalists of Massachusetts have invested near twenty millions of dollars in railways, which is yielding, even in these hard times, seven per cent. profit. But without going too much into detail on this branch of the subject, your committee would merely add, that the portions of the two great southern lines of railway now in operation, with which the Hiwassee Railroad will connect, have been yielding a profit of from six to twelve per cent., though not yet completed.

But an impression has and may yet exist that it is only *short railways* that are profitable. If there be any laboring under such impressions, they are referred to the English and American roads, a statement of the value of whose stock is given above, and they will find that they vary in length from twenty to a hundred and forty miles, and that *the longest is the most profitable.* The public mind is undergoing a total revolution on the subject, and the committee cannot better answer the objection to Railways, if it now really exists, than by adopting the language of a writer of great practical experience on the subject. He remarks "in carrying on a long line of Railroad there is a great saving in the fuel, in the expense of loading and unloading, and in the general expenses. And while the expenses are less in proportion to the length of the road, the tributary sources, right and left of the road, and at each end of it, increase as the square of the distance. If a Railroad two hundred miles long attracted to itself tributary sources from a strip of country (right and left of it and each end of it) of *precisely the same* width, as would a Railroad a hundred miles long, the consequence would be (other things being equal) that the *tributary sources of increase* of a Railroad two hundred miles long *would be double* those of a Railroad a hundred miles long. But it is evident that as you increase the length of the Railroad *you also increase the power of attraction,* and extend this power of attraction *over greater width.* Following the course of reasoning we readily arrive at the conclusion *that the strip of country attracted by a Railroad two hundred miles long is twice as wide* as the strip of country attracted by a Railroad a hundred miles wide, being thus *twice a*

wide, as well as twice as long, it follows mathematically (other things being equal,) that the *tributary sources of increase* to the Railroad two hundred miles, will be *four times as great* as those of a Railroad a hundred miles. Hence the pre-eminent success and *good dividends* of the *long line of Railroad* completed in England, notwithstanding their enormous cost." The length of the Hiwassee Railroad, when completed will be about ninety-five miles, but connected with the great line of railways now in progress of construction in Georgia, without embracing the Charleston road there will be an unbroken line of railway from Knoxville to Savannah, of about 450 miles. Now if the position assumed by the writer above quoted be true, (and every day's experience in the dividends and value of long Railroad stocks testifies to its correctness) when this immense chain of railway shall be in operation, and without a rival, or the possibility of one bearing along the travel and annually increasing products of all East Tennessee, can a doubt exist as to the productiveness of the stock, and the consequent increase of the value of the real property of that section of the State, and the immense and salutary influence it will have on the industry and enterprise and prosperity of her citizens.

An opinion once prevailed that railways were only suitable for the transportation of passengers and light articles, such as goods, &c., and that water or canals were the only proper and profitable medium for the conveyance of heavy articles, live stock, &c. But the immense trains or tonnage, which are now constantly being carried along railways properly constructed with heavy superstructive, capable of sustaining such burdens and the immense speed with which they are borne onward to their destination, are rapidly dispelling this notion.—Live stock is almost daily conveyed to market on railways and in greatly less time and expense than by any other mode of conveyance.

The following statement will show the correctness of this position. A drove of hogs were at Augusta a short time since, and the owner learning that there was a better market for them at Charleston, put them in the Railroad cars at Augusta and had them conveyed to Charleston, a distance of 136 miles, in a single day, at ninety cents a head, where he sold them on the following day at eight dollars per hundred. To have taken these hogs in the ordinary way and by the common road, he would have had to travel a hundred and fifty or sixty miles, which would have occupied some sixteen or eighteen days, at an average expense, owing to the high price of corn there, of at least three dollars per head. Here there was a clear saving of two dollars and ten cents on each hog, besides the gain of time and the exemption from loss of weight consequent on driving them on foot.—When the Hiwassee Railroad shall be completed, no doubt can exist but that not only all the manufactured and agricultural products and goods sent from or brought into East Tennessee, but all the hogs, cattle, horses and mules raised for market in that portion of the State, or brought from Kentucky, will find their way to Augusta, Charleston, Savannah, Macon, Montgomery, Mobile and all other intermediate places, along that channel, and the various extended improvements with which it connects.

To satisfy every candid and inquiring mind of the great superiority of railways and canals in the transportation, not only of passengers, but of merchandize, agricultural and mineral products, live stock, and every thing else, but two examples, and those in our own country, need be given. Some time since a canal was constructed at great expense to connect the waters of the Delaware with the Raritan river, thus affording a direct internal water communication between the cities of Philadelphia and New York. For a considerable time this canal did an immense and profitable business, and at one time the stock was as high as 140 or 150 per cent. advance on the original cost per share. In the process of time a railway was constructed between those two cities running for miles on the margin of the canal, and which at this very time is doing all the business, and the canal stock, once so valuable, can now scarcely be given away. A canal was constructed along the Schuylkill, called the Schuylkill Canal, from the stone coal region of Pennsylvania to the city of Philadelphia. A railway has recently been constructed in the immediate vicinity of the canal, connecting the same points, which is now transporting coal at two dollars per ton, and is doing a profitable business, while the canal, being unable to carry the same article at less than three dollars per ton, is falling rapidly into disuse, and its stock will doubtless soon be worthless.

From improvements which are constantly being made, both in railways and locomotives, the one being adapted to sustain, and the other to haul the most incredible amount of tonnage, no reasonable doubt can exist, that, ere long, railways will take precedence of every other mode of conveyance. And, in the language of a writer in the Railroad Journal, above quoted from, your committee would add, "the day is not distant, when railways in this country, on main lines, *judiciously constructed*, will be sought after by our capitalists with more avidity than they subscribed to safety bank stock during the years 1835, '36 and '37; and we predict that this class of investments will be considered as secure as productive real estate, and will have a preference over investments in bank stocks generally, in the United States."

To the liberal and enlightened statesman, no duty is more delightful and imperative, than that of contributing by a judicious course of legislation, to the happiness and prosperity of his country.

No section of the Union embraces more extensively or beneficially those natural advantages so essential to the manufacturing and agricultural community, than does East Tennessee.

By extending additional assistance to the important public work already begun in that portion of the State, and aiding in the construction of such others as the public wants may require, all those immense resources will be called into action and profitable use. Believing this can be done without the State incurring for East Tennessee a larger proportional expenditure than has been or may be incurred for the other two grand divisions of the State, the committee beg leave to submit a bill, the passage of which they would recommend, and which,

it is believed, will greatly add both to the population and prosperity of East Tennessee. All of which is respectfully submitted.

JOHN R. NELSON, Ch'n
Internal Improvement Committee.

Which report being read, was ordered to the table.

Mr. Nelson, chairman of the Internal Improvement committee, to whom had been referred the memorial of the Hiwassee Railroad Company, by permission of said committee, reports the following bill:

A bill for the benefit of the Hiwassee Railroad Company, and to incorporate the Central Turnpike Company, and the ——— Turnpike Company in East Tennessee; which bill was read a first time and passed.

Mr. Laughlin submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the Hiwassee Railroad Company be required, and they are hereby required to report to the present session of the General Assembly, if practicable, and if not, then to the next session of the General Assembly, whether the same shall be a regular or *extra session;* and in the said report, shall state and reply fully to the following interrogatories, which said report and answers, shall be verified by the affidavits of the President and Clerk or Secretary of said company—that is to say:

1. State the date when said company was first organized.

2. State the total amount of stock subscribed by private stockholders, with a list of their names and the amount subscribed by each.

3. State the total amount of stock which has been actually paid in in cash by the whole number of private stockholders, and also annex to the name of each stockholder, the amount so paid by such stockholder.

4. State the dates when each instalment of stock was paid by the private stockholders, and the date of the payment by each stockholder individually.

5. State the whole amount of stock of private stockholders, which remains unpaid, with the name of each stockholder owing the same.

6. State the whole amount of State bonds issued and received by the company, on the stock subscribed by the State in said company.

7. What disposition has been made of said bonds? Whether the same or any part thereof have been sold, and to whom, and at what price, and whether the same or any part thereof have been pledged for the loan of money, or in security for money borrowed, and to whom the same or any part thereof are so pledged.

8. State who have been the salaried officers of said company since organization, and what has been the amount of the salaries paid to said officers yearly, since the organization of said company, up to the date of making said report.

9. State the name of each officer, including the President or Presidents, and Engineer or Engineers, and the names of all the other officers or agents, and the amounts of salaries and compensations which have been paid or agreed to be paid to each—and the length of time, specifying the particular time and dates, during which each of said of-

ficers have been employed by said company up to the date of said report.

10. State whether different amounts of salaries have been paid in different years to any or all of said officers, and to whom, with the variations in the amount of each.

11. State what amount of the funds of said company, if any, have at any time been vested in iron-works, steamboats, or in any other work or works, or business, than the construction of said road; and if so vested, or proposed to be so vested, let the authority be stated for making said investment or investments.

12. State what salaries, and to what officers, if any, have continued to accrue and be paid, when the actual work on said road has been in a state of suspension—and if so, for what length of time, and to what amount of each, have said salaries accrued or been paid.

13. State whether said company has assumed the authority of issuing bills, either as bank notes, orders, certificates, drafts or acceptances, intended to be circulated as money or change bills, and if so, to what amount, and by what authority, and what funds have been set apart or provided for the redemption of said notes, drafts, orders, certificates or acceptances.

Which being read, was laid on the table.

The Senate took up and considered a bill from the House of Representatives to amend the act of 1823, chap. 21, in relation to delinquent constables; which bill was read a third and last time.

Mr. Turney moved to strike out the amendment to said bill moved by mr. Warner, and adopted; which amendment is as follows: "From and after the time application or demand is made for said money so received."

Mr. Foster moved to amend said amendment, by adding thereto the following: "Provided, after said demand shall have been made."

Mr. Laughlin moved to postpone said bill and amendment indefinitely.

Mr. Foster then withdrew his amendment.

The question on striking out the amendment offered by mr. Warner, and adopted, being on the motion of mr. Turney; which being considered, and the sense of the Senate thereon had, said motion to strike out said amendment was rejected.

Mr. Laughlin withdrew his motion indefinitely to postpone said bill and amendment.

The question recurring on the passage of said bill, was had and determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Motley, Peyton, Powell, Sevier and Warner—15.

The negative voters were:

Messrs. Laughlin, Maclin, Matthews, Miller, Nelson, Waterhouse, Williams and mr. Speaker Turney—8.

So said bill, as amended, was passed upon its third and last reading,

and was ordered to be engrossed, and transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, to revive an act entitled "an act for the benefit of certain reservees, chap. 24, passed at Murfreesborough, Aug. 27, 1822;" and to revive an act entitled "an act to revive an act entitled an act for the benefit of certain reservees, passed at Murfreesborough in 1822, chap. 175;" and to revive an act passed at Murfreesborough in 1825, chap. 12, entitled, an act entitled an act for the benefit of certain reservees, passed at Murfreesborough Aug. 22, 1822.

Which bill was read a first time and passed.

The Senate took up and considered a bill to compel the Judges of the Supreme court to give written opinions in all cases in their courts, including its present term; and the reporter of the State to report them; which bill was read a third time.

Mr. Foster moved to amend said bill by striking out the following: "Provided, that in all cases where the counsel upon either side shall require such decision to be reported, the same shall be reported;" which being considered, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question, Shall said bill pass? being had, was determined in the affirmative—ayes 19—nays 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, miller, motley, Nelson, Peyton, Powell, Sevier, Waterhouse and mr. Speaker Turney—19.

The negative voters were:

Messrs. martin, matthews and Warner—3.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Ledbetter,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of mr. Frey, took up and considered a bill from the House of Representatives, to change the time of holding the Circuit courts for the 7th judicial circuit, and the Chancery courts at Clarksville and Charlotte.

And the amendment of the House of Representatives, to the amendment of the Senate being read and considered by the Senate, was concurred in.

Mr. Frey moved to amend the Senate's amendment to said bill by striking out the first and second sections, and inserting in lieu thereof, the following:

Sec. 1. That the circuit courts of the seventh judicial circuit shall hereafter be held at the following times, to-wit: For the county of Robertson on the first *M*onday in February, June and October. For the county of Dickson on the third *M*onday in February, June and October. For the county of Stewart on the fourth *M*onday in February, June and October. For the county of *M*ontgomery on the first *M*onday in *M*arch, July and November. For the county of Humphreys on the first *M*onday in April, August and December, in each and every year.

Sec. 2. Be it enacted, That the district chancery courts in said circuit, shall be held at Clarksville on the third *M*onday in *M*arch and September, and at Clarksville on the fourth *M*onday in *M*arch and September, in each year.

Which being read, and the sense of the Senate thereon had, said amendment was adopted in lieu of the first and second sections of the Senate's former amendment.

Ordered, that the clerk acquaint the House of Representatives therewith, and ask the concurrence of the House therein.

The Senate took up and considered a bill to incorporate Marshall Academy, in the county of Marshall.

Which was read a third and last time, and the question "Shall said bill pass?" was had and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill for the relief of Curtis Kennedy.

Which bill was read a second time and passed.

The Senate took up and considered a bill giving George W. Williams and Josiah M. Anderson further time to complete a Turnpike road.

Which bill was read a third and last time, and the question "Shall said bill pass?" was had and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed, and transmitted to the House of Representatives.

The Senate took up and considered a bill to prevent betting on elections.

Which bill was read a second time, and the question upon the passage of said bill being had was determined in the negative—ayes 5—nays 15.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Foster, Jennings, Ledbetter, Peyton, and mr. Speaker Turney—5.

The negative voters were:

*M*essrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, motley, Nelson, Powell, Sevier, Warner, Waterhouse, and Williams—15.

So said bill was rejected upon its second reading.

Mr. Gardner introduced a bill for the relief of such persons as ob-

tained license to retail liquor after the passage of the Tipling act of 1838, and before its promulgation.

Which bill was read a first time and passed.

On motion of mr. Waterhouse,

The committee on banks is discharged from the further consideration of a bill to establish a branch of the Bank of Tennessee at Chattanooga in the county of Hamilton.

The Senate took up and considered a bill to prevent allowances, and to fix permanently the fees of Clerks of the several courts of this State.

Which bill was read a third and last time; and the question, on the passage of said bill being had, was determined in the affirmative—ayes 14—nays 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, MARTIN, MILLER, Peyton, Powell, Warner, Waterhouse and mr. Speaker Turney—14.

The negative voters were:

Messrs. Ashe, Foster, Laughlin, MACLIN, MATTHEWS, MOTLEY, Nelson, Sevier, and Williams—9.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to divide the interest on the Gibson county Academy fund between the Trenton Male and Female Academy.

Which bill was read a second time and passed.

On motion of mr. Martin, said bill was referred to the committee on the judiciary.

The Senate took up and considered a bill to establish the 15th Solicitorial district.

Which bill was read a second time.

Mr. Johnson moved to amend said bill, by striking out the word "Sullivan."

Which being considered by the Senate, said amendment was adopted.

The question then recurred upon the passage of said bill upon its second reading, which was determined in the negative—ayes 6—nays 17.

The ayes and noes being demanded by mr. Nelson,

The affirmative voters were:

Messrs. Hardwicke, Johnson, Laughlin, MACLIN, Waterhouse, and Speaker Turney—6.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, MARTIN, MATTHEWS, MILLER, MOTLEY, Nelson, Peyton, Powell, Sevier and Williams—17.

So said bill was rejected upon its second reading.

The Senate took up and considered a bill to amend the act of 1799, chapter 8.

Which bill was read a second time.

And the question upon the passage of said bill was had and determined in the negative.

So said bill was rejected upon its second reading.

The Senate took up and considered a bill to authorise one of the district constables, to perform the duties of town constable in Huntingdon, Carroll county.

Which bill was read a second time and passed.

The Senate, on motion of mr. Jennings, took up and considered a bill to encourage Literature and Scientific associations.

Which bill was read a second time and passed—

When mr. Jennings asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered a bill to encourage Domestic Manufactures.

On motion of mr. Warner, said bill was laid on the table.

The Senate took up and considered a bill for the relief of the Somerville college.

Which, on motion of mr. Maclin, was laid on the table.

The Senate took up and considered a bill to incorporate the Trenton, Brownsville and Somerville Turnpike company.

On motion of mr. Ashe, said bill was laid on the table.

The Senate took up and considered a bill to make provision for the supreme court of errors and appeals.

On motion of mr. Ashe, said bill was laid on the table.

The Senate took up and considered a bill to refund to John Hoyall and Thomas McCallin the consideration money paid by them in making entry no. 521, in the Ocoee district.

Which was read a second time and passed, and, on motion of mr. Waterhouse, referred to the committee on claims.

On motion of mr. Williams,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, December 23, 1841.

Mr. Waterhouse presented the petition of sundry citizens of the county of Hamilton, praying that a branch of the bank of Tennessee be established at Chattanooga, in said county of Hamilton.

Which being read, on motion of mr. Waterhouse, ordered that said petition be transmitted to the House of Representatives.

Mr. Waterhouse presented a petition from Edward Pankey and others, citizens of the county of Marion, praying that the Trustees of the common schools of Marion county, be required by law to refund to said Edward Pankey sixty dollars with interest, for money paid to said School commissioners by said Edward Pankey through mistake.

Which being read—

On motion of mr. Waterhouse, it is ordered that the same be transmitted to the House of Representatives.

Mr. Warner chairman of the committee on Claims, to whom had been

referred the memorial of Matthew Barrow, praying to be indemnified for the improper payment of certain taxes upon lands in the Western District—Reports, that said committee have had the same under consideration and are of opinion that the prayer of the petitioner is unreasonable and ought not to be allowed, and that said committee have directed him to report the same, and to recommend the rejection thereof—and said report being read, the Senate concur therein, and said petition was laid on the table.

Mr. Warner chairman of the committee on Claims, to whom had been referred the memorial of the securities of M. G. Fellows, late Sheriff of Greene county, with the petition of sundry citizens of Greene county, accompanying said memorial—Reports, that said committee have had the same under consideration, that said committee are of opinion, that the prayer of the memorialists and petitioners is unreasonable and ought not to be granted, that said committee have directed him to report said memorial and petition, and to recommend their rejection—which report being read, the Senate concur therein, and said memorial and petition was laid on the table.

Mr. Warner chairman of the committee on Claims to whom had been referred a bill from the House of Representatives, to make compensation to Robert Tunnell, late Surveyor of the Hiwassee district—Reports, that said committee have had the same under consideration, and are of the opinion that the provisions contained in said bill are just and reasonable, and that the compensation therein set forth should be allowed, and that said committee have directed him to report said bill, and to recommend its passage.

Whereupon said bill was read a second time and passed.

On motion of mr. Warner, said bill was laid on the table.

Mr. Warner chairman of the committee on Claims, to whom had been referred a bill to refund to John Hoyal and Thomas McCallie the consideration money paid by them on making Entry No. 521, in the Ocoee District:

Reports, that said committee have had the same under consideration and are of opinion that the provisions contained in said bill, are just and reasonable, and that the amount of money in said bill mentioned, should be refunded as by said bill required, and that said committee have directed him to report, and recommend the passage thereof:

Mr. Warner further directing the attention of the Senate to the consideration of said bill—moved that said bill be laid on the table, which motion prevailed.

Mr. Warner chairman of the committee on Claims, asked that said committee from the further consideration of a bill making compensation to Willoughby Williams, assignee of John C. McLemore, for certain valuable record books in the Secretary's Office, be discharged—which request being considered was granted, and said committee discharged.

Mr. Bradbury chairman of the committee on *Military* affairs, to whom had been referred a bill from the House of Representatives to abolish Spring musters and their Court marshals and drills—Reports, that said committee have had said bill under consideration, think its provisions im-

proper and incongenial with the spirit of military science, and that said bill should not be passed, and that said committee had directed him to report said bill, and to recommend its rejection—which report being read:

And the question recurring upon the passage of said bill being had, was determined in the affirmative—ayes 17, nays 7.

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Jennings, Laughlin, maclin, Martin, Motley, Nelson, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Foster, Hardwicke, Johnson, Ledbetter, Matthews, Miller and Powell—7.

So said bill was passed on its second reading.

Mr. Ledbetter moved the following amendment to said bill, to wit:

Sec. 6. *Be it enacted*, That it is hereby made the duty of the Brigadier General of the thirteenth Brigade, composed of the counties of Williamson and Rutherford, to hold a Brigade camp drill near the line between said counties, once in each year, to commence on the —— day of ———, and to continue not less than two nor more than four days, armed and equipped as the law directs, and under the same rules and regulations heretofore provided by law for county drills: *Provided*, that no commissioned officer, below the grade of a captain shall be bound to attend said drills; but the Staff officers of each Regiment attached to said Brigade, shall give their attendance under the same penalties imposed upon field officers for failing to attend—which being read, was with said bill laid on the table.

Mr. Bradbury chairman of the committee on *Military* affairs, to whom had been referred a bill to amend the Militia laws of the State—Reported, that said committee have had the same under consideration, and have directed him to report said bill, with amendments thereto, by striking out the 1st, 2d, 5th and 6th sections thereof, and with said amendment to recommend the passage of said bill—and said report being read, was concurred in.

And said bill as amended, on report of the committtee, was read a second time and passed.

The Senate took up and considered a message from the House of Representatives, transmitting a petition of sundry citizens of Hardeman county, remonstrating against the passage of any law, in conformity with a petition diminishing the price upon marriage license, and for other matters in said petition, more particularly set forth—which being read, and considered, when Mr. Foster moved to lay said petition on the table, until the 1st February next, which being considered, said motion was rejected, mr. Nelson moved to lay said petitition on the table, which motion prevailed.

The Senate took up and considered a bill from the House of Representatives to suppress illegal voting.

On motion of mr. Laughlin, said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives, to revive an act, entitled an act for the benefit of certain re-

servees, chapter 24, passed at Murfreessborough, August 27, 1822, and to revive an act entitled an act, to revive an act entitled an act, for the benefit of certain reservees, passed at Murfreesborough in 1823, chapter 175, and to revive an act passed at Murfreesborough 1825, chapter 12, entitled an act for the benefit of certain reservees, passed at Murfreesborough August 22d, 1822,

Which being read a second time:

On motion of mr. Reneau, said bill was referred to the committee on public lands.

On motion of mr. *M*iller, the Senate took up a message from the House of Representatives, transmitting a resolution adopted by the House directory to the Superintendent on Public Instruction, relating to the first common school district of Monroe county, and concerning a mistake made in paying to the Trustees of said district, out of the common school fund, a less sum than said district was entitled to out of said fund, and directing the deficiency to be paid—which resolution being read, the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives by mr. Mitchell their Clerk:

Mr. Speaker: The House of Representatives took up and read the petition of the Trustees of the Louisburg Academy, in the county of Marshall, and sundry citizens of said county, protesting against any law, which may be proposed to be passed, authorising any other Academy in said county to receive any portion of the Academy funds, which the Louisburg Academy is entitled to by law, which I am directed to transmit to the Senate.

The House of Representatives has read and adopted a resolution directing the Secretary of State of Tennessee to adjudicate land warrant No. 1240—in which I am directed to ask the concurrence of the Senate.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled:

An act to amend the charter of incorporation of the Spring Hill Academy in Maury county.

An act to amend an act entitled an act to regulate and simplify the distribution and division of the estates of persons dying insolvent.—Passed October 18, 1823.

And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled acts, and ordered the same to be transmitted to the House of Representatives for the further action of the House thereon to be had.

On motion of mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered a bill to change the dividing line between the counties of Robertson and ———

Which bill was read a third and last time, and the question, Shall the bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to authorize one of the district constables to perform the duties of town constable in Huntingdon, Carrol county.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill for the relief of Curtis Kennedy—which was read a third and last time.

Mr. Maclin moved to amend said bill by the following, which he affixed in lieu of the whole bill, to wit:

A bill to provide for the payment of claims against the Bank of Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the President and Directors of the Bank of Tennessee shall be satisfied from proof by affidavits of credible witnesses, that any Bank note or Bank notes of the said Bank, payable at the principal Bank, or any of its branches, may have been accidentally destroyed by fire in the possession of any person, it shall be the duty of the said President and Directors, if the said note or notes so destroyed, were payable at the principal Bank to pay the amount thereof to the proper owner of the same; or if payable at any branch thereof they shall direct and authorize the said branch to pay the amount thereof to the proper owner of said note or notes so proved to have been destroyed as aforesaid: *Provided*, that two thirds of the Board of the principal Bank present and acting shall be satisfied the facts as stated in the affidavits are true: *And provided further*, that before payment of the same, the claimant shall execute his bond, with at least two good and sufficient securities, payable to the President and Directors of the Bank of Tennessee in double the amount so received, conditioned that the said claim is just and that the parties will preserve and protect the President and Directors of the Bank of Tennessee harmless from said Bank note or notes, so alleged to have been lost as aforesaid.

Which being read, mr. Warner moved the following amendment to said amendment:

Provided, that this act shall only apply to such notes of said Bank that may have been lost or destroyed before the passage of this act.

Which being read, was adopted, and said bill, as amended, was, on motion of mr. Maclin, laid on the table.

On motion of mr. Foster,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, DEC. 28, 1841.

Mr. Waterhouse presented the petition of Moses Thompson, praying the extension of the term of his charter for a turnpike road from Grassy Cove to the foot of the ridge in Rhea county, above the mouth of Piney, and for relief in the graduation of said road.

Which being read, was, on motion of mr. Waterhouse, ordered to be transmitted to the House of Representatives.

Mr. Maclin presented the petition of sundry citizens of the State of Tennessee, relative to the surrender of the stock to the State of Tennessee in the La Grange and Memphis Rail Road Company, by citizen stockholders, to be indemnified by the future tolls accruing from said road when completed.

Which being read, on motion of mr. Waterhouse, was ordered to be transmitted to the House of Representatives.

Mr. Maclin presented the petition of sundry stockholders in the La Grange and Memphis Rail Road Company, relative to the surrender of their stock in said road to the State of Tennessee.

Which being read, was, on motion of mr. Maclin, ordered to be transmitted to the House of Representatives.

Mr. Powell, chairman of the committee on Public Roads, to whom had been referred the petition of Russell and Thomas C. Marchbanks, relative to the erection of a bridge across the Caney Fork, and praying to be created a body politic and corporate, with a capital of $20,000, with a privilege to issue bills of credit, &c., reports that said committee have had the same under consideration, and are of opinion that said petition is unreasonable and ought not to be granted; that said committee had instructed him to report said petition and to recommend its rejection.

And said report being read, the Senate concur therein.

On motion of mr. Maclin,

The Senate took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House, directory to the Superintendent of Public Instruction, and requiring him to pay over to the county of Hardeman certain moneys for the use of Common Schools in said county.

Which being read, was, on motion of mr. Foster, referred to the committee on Claims.

On motion of mr. Gardner,

The Senate took up and considered a resolution by him submited on the 15th Nov. 1841, directory to the committee on the Judiciary, instructing said committee to inquire into the expediency of so altering the Judicial system of this State so as to require but two instead of three terms each year—abolishing the appearance term, and making all cases liable at the first term under certain rules, &c.

Which being read, was adopted.

Mr. Foster submitted the following:

Resolved, That a committee of three of the Senate be appointed to act with such committee as may be appointed by the House to ascer-

tain and report what number of the journals of the present session of the Senate and House of Representatives shall be printed.

Which being read, the rule requiring said resolution to lie over one day being suspended; said resolution was adopted.

Ordered, that messrs. Frey, Reneau and Gardner be appointed of said committee on part of the Senate.

Ordered, that the clerk acquaint the House of Representatives therewith and ask a concurrence therein.

A message from the House of Representatives by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the amendment of the Senate to the amendment of the House to a bill from the House of Representatives to change the time of holding the Circuit Courts for the 7th Judicial Circuit, and the Chancery Courts in Clarkesville and Charlotte, have amended said amendment.

The House of Representatives have taken up and considered the amendment of the Senate to a bill from the House of Representatives, to amend the charters of the Martin Academy at Jonesboro', and McMinn Academy at Rogersville--and non-concur therein.

The House of Representatives have taken up and considered the Senate's amendment to a bill of the House to authorize Chancellors to appoint special terms for holding Chancery Courts—and non-concur therein.

The House of Representatives have taken up and considered the Senate's amendment to a bill of the House to make legal all the official acts of James Rose as Deputy Clerk of the County Court of Shelby county—and non-concur therein.

The House of Representatives have read a third and last time, and passed a bill to extend the time for the return of executions issued by Justices of the Peace, and for other purposes—which I am directed to transmit to the Senate and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign an enrolled memorial to the Congress of the United States, praying that compensation may be made to the Tennessee volunteers who have lost horses and other property in the late Indian war in Florida.

Also, an enrolled bill entitled an act to appoint Trustees to receive the donation of William Wright, deceased, and for other purposes.

And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled memorial and act, and ordered that the same be transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered a bill from the House of Representatives to abolish and discontinue spring musters and their court martials and drills.

Which being read a third time,

Mr. Matthews moved the indefinite postponement of said bill, and the question being had, was determined in the negative.

So said motion was rejected.

Mr. Foster moved to lay said bill on the table, which being considered by the Senate, said motion prevailed and said bill was laid on the table.

The Senate, on motion of mr. Frey, took up and considered a message from the House of Representatives, transmitting an amendment of the House to an amendment of the Senate, made to the amendment of the House amending an amendment of the Senate to a bill from the House of Representatives to change the time of holding the Circuit Courts for the 7th Judicial Circuit, and the Chancery Courts in Clarkesville and Charlotte.

Which being read and considered, the Senate coneur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate, on motion of mr. Ross, took up and considered a message from the House of Representatives, transmitting an amendment of the House made to the Senate's amendment to a bill of the House of Representatives to incorporate the inhabitants of the town of Lynchburg in the county of Lincoln.

Which being read and considered, the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate took up and considered a bill to amend the Militia laws of this State.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Powell,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of mr. Foster,

The Senate took up and considered a message from the House of Representatives, transmitting to the Senate the non-concurrence of the House to the amendment of the Senate to a bill of the House to authorize Chancellors to appoint special terms for holding Chancery Courts, with an amendment of the House by striking out of the Senate's amendment in that part comprising the 3d section, the following words, after the words "public good requires it:" "as well during vacation as in term time, under the same rules and regulations as now provided by law in cases where the appointment is made in term time.

Which being read and considered, the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third and last time

A bill to authorise and require the Entry taker of the Ocoee district,

to refund money in certain cases—which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have read and considered the Senate's amendments, to the bill from the House, to charter the Sevier Turnpike company,

Also the Senate's amendment, to the bill from the House, to appoint Trustees to receive the donation of William Wright deceased, and for other purposes, which amendments are severally concurred in by the House of Representatives—and then he withdrew.

The Senate took up and considered a message from the House of Representatives, transmitting the non-concurrence of the House to the Senates amendment to a bill from the House of Representatives, to amend the charter of the Martin Academy, at Jonesborough, and McMinn Academy, at Rogersville, and for other purposes—which being read, and considered of by the Senate, the Senate recedes from said amendment to said bill

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate on motion of mr. Foster, took up and considered a bill from the House of Representatives, to amend the law in relation to the exemption of certain property from execution,

Which bill being read, mr. Foster moved to amend the amendment of the Senate by adding to the several sections the word, "shall be exempted from execution in civil as well as criminal cases"—which being read, and considered of by the Senate, said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate took up and considered a bill to amend an act passed February 15th, 1836, chap. 43.

Which was laid on the table.

The Senate took up and considered a bill to regulate the practice of shaving or purchasing notes, and to make it indictable to purchase or shave notes at a greater discount than twelve and a half per cent.

Which bill was read a second time and the question "shall said bill pass?" was had and determined in the negative.

So said bill was rejected upon its second reading.

The Senate took up and considered a bill from the House of Representatives to amend the Militia laws of this State,

Which being read a second time:

When mr. Gardner moved to postpone said bill indefinitely, and the question thereon being had, was determined in the affirmative.

So said bill was indefinitely postponed on its second reading.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives for the relief of the Commissioners appointed to superintend the improvement of the navigation of the French Broad river at the Hanging rock and Seven islands.

On motion of mr. Johnson, said bill was laid on the table.

The Senate took up and considered a bill to encourage agriculture in the State of Tennessee.

When on motion of mr. Gardner, said bill was laid on the table.

The Senate took up and considered a bill to regulate the pay of clerks and masters, and to prevent the chancellors from making any allowance other than the fees fixed by law.

On motion of mr. Foster, said bill was laid on the table, until the first day of April next.

The Senate took up and considered a bill for the relief of the Somerville College.

Which bill was laid on the table.

The Senate took up and considered a bill for the encouragement of domestic manufactures.

Which bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives to suppress illegal voting; which bill being read a third time,

Mr. Frey moved to amend the 6th section of said bill, by adding thereto the following proviso, to wit: "Provided, that any person who has been a resident citizen within the bounds of any civil district in which he may offer to vote, six months immediately preceding the day of election, and in other respects being a qualified voter for members of the General Assembly, shall be entitled to vote;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Laughlin moved to amend said bill by striking out the word "further" in the enacting part of said bill, wheresoever the same may occur.

Which being considered by the Senate, said amendment was adopted.

Mr. Foster moved to amend said bill in the third line of the 19th section by changing the word "fraudulent," to the word "fraudulently."

Which being considered, said amendment was adopted.

Mr. Laughlin moved to amend said bill by striking out the 14th section.

Which being considered, and the sense of the Senate thereon had, said amendment was rejected.

Mr. Laughlin then demanded the ayes and nays upon his motion to strike out the 14th section of said bill.

Which motion was decided as being out of order.

Mr. Johnson moved a re-consideration of the Senate's vote rejecting the motion made by mr. Laughlin to amend said bill, by striking out the 14th section thereof.

Which being considered, said motion to re-consider prevailed.

Mr. Foster moved to amend said bill by striking out the words "and Solicitors" in the second line of the 14th section.

Which being considered, said amendment was adopted.

Mr. Warner moved to amend said bill by striking out the whole of the 14th section after the word "act."

Which being considered, said amendment was adopted.

Mr. Laughlin renewed his motion to amend said bill by striking out the 14th section thereof, and the question being thereon had, was determined in the negative—ayes 5—nays 16.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Laughlin, Maclin, Matthews, and Warner—5.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Miller, Motley, Powell, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—16.

So said amendment by striking out the 14th section was rejected.

Said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had and determined in the affirmative—ayes 14—nays 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Miller, Nelson, Powell, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, and Warner—7.

So said bill as amended was passed upon its third and last reading and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House with the amendments thereto, and ask a concurrence therein.

On motion of mr. Ashe,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, DEC. 29, 1841.

Mr. Foster, chairman from the committee on the Judiciary, to whom had been referred a bill to regulate proceedings in actions of replevin—Reports, that said committee have had the same under consideration, and have directed him to report said bill with the following amendments, to wit: strike out the words "held or detained," and the word "detained," wheresoever the same occur in said bill, and insert in lieu thereof the word "taken;" and to strike out the 9th section of said bill, and to insert in lieu thereof the following section, to wit:

Sec. 9. *Be it enacted*, That where, in replevin, the verdict is for the defendant, the judgment shall be, that the goods and chattels be returned, or that the plaintiff and his securities in the writ of replevin, pay the value thereof, with six per cent. interest thereon, and damages for the detention from the time of the seizure, which shall be determined by the jury, and form a part of their verdict and all lawful costs; and execution shall issue accordingly—and with said amendments to recommend its passage.

Which bill, as amended, was read a second time and passed.

Mr. Foster, chairman of the committee on the Judiciary, to whom

had been referred a bill from the House of Representatives, to authorise the establishing of ferries on the *M*ississippi river—Reports, that said committee have had the same under consideration, and that a majority of said committee are of opinion, that the provisions contained in said bill are proper, and should be passed, and that said committee have instructed him to report said bill, and to recommend its passage.

Mr. Foster moved to amend said bill by inserting therein, after the words "east of said river," the words "when the public good may require it." Which being read, mr. Ashe moved to lay said amendment on the table; which motion prevailing, said amendment was ordered to the table.

Said bill was read a third and last time, and the question recurring on the passage of said bill, was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

Mr. Foster, chairman of the committee on the Judiciary, to whom had been referred a bill to amend the laws now in force in relation to the administration of the estates of deceased persons—Reports, that said committee have had the same under consideration, and have directed him to report said bill with an amendment, striking out the whole of said bill after the caption, and to insert the following in lieu of said bill, and with said amendment, to recommend its passage; which amendment is as follows, to wit:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where six months shall have elapsed from the death of any testator or intestate, and no person will apply, or can be procured to administer on the estate of such decedent, it shall be lawful for any of the next of kin, or any creditor of such estate, to file his bill in the Chancery court of the district where such person may have resided at the time of his death, or where the estate, goods and chattels or effects of the decedent may be, setting forth the facts of the case, and that no person can be provided to administer the estate agreeably to the laws now in force, and praying that an administrator be appointed, with such other specific prayers required, and for such general relief. And such bill, if filed by a creditor or creditors, shall be on behalf of all other creditors who may wish to come in and be made parties on the usual terms, and the distributees and heirs of the estate shall be authorised to be made parties defendants to such bill. And if the bill is filed by the next of kin or any of them, it shall be on behalf of all the distributees and heirs against the creditors thereof, and such creditors shall be authorised to become defendants to such bill: and thereupon, the court in term time, or chancellor or judge in vacation, shall appoint an administrator of such estate, upon such terms as he may think best; and the administration of such estate shall be conducted under the authority of the Chancery court, in the same manner, and under the same rules, regulations and principles in every respect as the administration of insolvent estates is now conducted, except where the same is otherwise provided for in this act: and such administrator shall have the same power as other administrators,

except where he is restricted by the orders or decrees of the court. [All bills filed under this act shall be sworn to.]

Sec. 2. *Be it enacted*, That such administrator may be removed from office for any neglect or improper conduct in office, in the same manner in every respect as receivers are now liable to be removed, and shall make their reports, and be under the same responsibilities as receivers of chancery are subject to; and where an administrator is removed, or shall die, or shall resign, a successor shall be appointed.

Sec. 3. *Be it enacted*, That such administrator, when appointed, shall be considered a party to the proceedings in court, and shall be bound by any decree or order thereof, in the same manner as other parties are bound: and when any of the parties interested in the estate are minors, the court may appoint guardians to such minors.

Sec. 4. *Be it enacted*, That if an administrator is appointed under this act by a chancellor or judge in vacation, it shall be upon the condition of the complainant giving bond and security in double the value of the estate to be administered, conditioned that such administrator shall render a true inventory of the estate to the court at its next term, so far as the same may come to his knowledge, and will deliver such assets over, or place the same or its proceeds under the charge. The judge or chancellor may also direct in his order that the perishable property belonging to the estate be sold.

Which bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill, being had, was determined in the affirmative—ayes 16, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Peyton, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—16.

The negative voters were:

Messrs. Ashe, *Maclin*, *Martin*, *Matthews*, *Miller*, *Motley*, Nelson and Williams—8.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Peyton introduced a bill for the better security of public ferries: which bill was read a first time and passed.

The Senate, on motion of mr. Reneau, took up and considered a bill from the House of Representatives to incorporate a literary institution in the town of *Maryville*, Blount county, to be styled the "Maryville College;" which bill was read a second time.

Mr. Williams moved to re-consider the vote of the Senate upon an amendment offered by mr. Johnson upon the first reading of said bill, on the 1st day of November, 1841.

The question upon the re-consideration of said vote being had, was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley,

Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney —13.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews. Miller, Powell, Ross, Warner and Waterhouse—11.

So said motion to re-consider said vote prevailed.

On motion of mr. Martin, said bill was laid on the table.

On motion of mr. Martin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third and last time, and passed a resolution to amend the fourth section of the 10th article of the constitution of the State, so that the counties of Bledsoe and Marion shall come under the general provisions of the constitution in forming new counties.

Also, a bill to amend an act entitled "an act to prevent frauds in entering and selling lands previously appropriated, passed 29th January, 1840, chap. 128.

Also, a bill for the benefit of Joseph Burnett, of Marion county, which I am directed to transmit to the Senate, and ask a concurrence therein. And then he withdrew.

On motion of mr. Foster, the Senate took up and considered a bill from the House of Representatives, to amend an act entitled "an act to reform and amend the penal laws of the State of Tennessee," passed 9th Dec., 1829.

Mr. Martin moved to amend said bill by striking out the whole of said bill from the caption to the 7th section; which motion mr. Martin afterwards withdrew.

Said bill was read a second time and passed.

On motion of mr. Bradbury,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, DEC. 30, 1841.

Mr. Maclin, chairman of the committee on public lands, to whom had been referred a bill relating to the adjudication of land warrants —Reports, that said bill had been under consideration, and that he reports, that said bill be amended by striking out the 4th section thereof; and the chairman of said committee, with said amendment recommends the passage of said bill; which report being read,

On motion of mr. Foster, said bill and report was re-committed to said committee for further consideration thereon, and for a further report.

Mr. Gardner submitted the following:

Resolved by the General Assembly of the State of Tennessee, That His Excellency the Governor of the State of Tennessee be, and

he is hereby instructed to open and hold a correspondence with the Governor of Kentucky on the subject of altering the dividing line between the two States, so as to make its western extremity terminate where it strikes the Mississippi river, with a view to have that portion of the territory of the State of Kentucky lying on and near the bank of the Mississippi river, known and called by the name of the Madrid bend, in the State of Tennessee.

2. *Resolved*, That His Excellency the Governor of the State of Tennessee be, and he is hereby directed to lay before the next regular session of the General Assembly of the State such correspondence as he may open and hold with the Governor of Kentucky on the aforesaid subject.

Which being read, on motion of mr. Gardner, the rule requiring said resolution to lie over one day, was suspended, and said resolution adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask a concurrence therein.

Mr. Ledbetter moved that the journal of the 23d instant, be corrected by striking therefrom an amendment purporting to be offered by the honorable Senator from Rutherford, to "a bill from the House of Representatives to abolish and discontinue spring musters and their court martials and drills," proposing to establish brigade camp drills in the 15th brigade—said amendment having been placed on the journal through mistake, and not upon the motion of the Senator from Rutherford.

Which motion prevailing, said amendment was accordingly made.

The Senate, on motion of mr. Reneau, took up and considered a bill from the House of Representatives to incorporate a Literary Institution in the town of Maryville, Blount county, to be styled the Maryville College.

Which being read, mr. Williams offered the following amendment, in lieu of the amendment offered by mr. Johnson, which is in the following words:

SEC. 7. *Be it enacted*, That whenever a vacancy shall occur in the Board of Trustees, whether by death, resignation, removal, or otherwise, the County Court of Blount county shall have power to fill such vacancy: *Provided*, that if said County Court shall fail or refuse for three successive terms after information of said vacancy shall have been communicated by the President of said Institution to said Court, then the surviving Trustees shall have power to fill such vacancy.

Which being read, and the question, Shall said amendment be adopted in lieu of the amendment offered by mr. Johnson? being had, was determined in the affirmative.

The question then recurred upon the adoption of the amendment offered by mr. Williams, which being had was determined in the affirmative.

So said amendment was adopted.

Said bill as amended was read a first time, and the question "Shall

said bill pass?" was had and determined in the affirmative—ayes 17—nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Gardner, Johnson, maclin, matthews, miller, and Warner—6.

So said bill was passed on its first reading.

The Senate, on motion of mr. Miller, took up and considered a bill from the House of Representatives, to authorize and require the Entry Taker of the Ocoee district to refund money in certain cases.

Which bill was read a first time and passed.

On motion of mr. Miller, said bill was referred to the committee on claims.

The Senate, on motion of mr. Reneau, took up and considered a bill from the House of Representatives, for the relief of the commissioners appointed to superintend the improvement of the navigation of the Frenchbroad river at the Hanging Rock and Seven Islands.

Which being read, mr. Laughlin moved to refer said bill to the committee on Claims.

And the question on said reference being had, was determined in the negative.

So said motion to refer was rejected.

Mr. Foster moved to amend said bill by adding thereto the following:—

Provided said commissioners shall, before they are entitled to any benefit under this act, show clearly to the judge of the circuit court of Sevier county, that they have legally appropriated the money according to the act of 1836, chapter 129, and that said commissioners have not yet received any compensation."

Which being read and considered, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 21—nays 1.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Laughlin, maclin, martin, miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—21.

Senator matthews voting in the negative.

Mr. Peyton introduced a bill to suppress usury.

Which was read a first time and passed.

Mr. Powell introduced a bill for the relief of the commissioners for the improvement of the navigation of the Rivers east of Knoxville, in this State.

Which was read a first time and passed.

Mr. Jennings returned a bill to encourage Literature and Scientific

associations, by him withdrawn for amendment, with the following amendment in lieu of the whole bill, which is in the following words, to-wit :—

A bill to incorporate the Alumni Society of the Universiy of Nashville.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Edwin H. Ewing, Andrew Ewing, A. V. S. Lindsley, John Trimble, John M. Lea, Robert C. Foster, 3d, Richard W. H. Bostick, and others, the members of the Alumni Society of the University of Nashville, be, and they are hereby created a body corporate, and shall be known as such by their name of association, and shall have the following powers:

1. The power incident to corporate succession.

2. The power to sue and defend in any court of law or equity.

3. The power to make and use a common seal, and alter the same at pleasure.

4. The power to hold, purchase and convey such personal property as may be necessary to accomplish the purposes of the association, and real estate not exceeding in value the sum of five thousand dollars.

5. The power to appoint such subordinate officers and agents as the business of the association shall require, and to allow them a suitable compensation.

6. The power to make laws not inconsistent with any existing law for the management and disposition of the property of the corporation and the regulation of its affairs.

Sec. 2. *Be it enacted*, That the powers hereby granted may be revoked, and that this act may be altered, suspended or repealed by the present, or by any subsequent General Assembly.

Which being read and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time and passed, was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by mr. mitchell, their clerk:

MR. SPEAKER: The House of Representatives have read a third and last time and passed a bill to amend the laws in relation to appeals and writs of error.

Also, a bill to authorize David Smith to open a turnpike road.

Which bills I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives has taken up and read the petition of David Burnett and others, citizens of the county of *M*arion, praying legislative aid relative to the deficiency in the quantity of a tract of land entered in the first fractional township, thirteenth section, of range seven, west of the basis line in the Ocoee District—which I am directed to transmit to the Senate.

The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to change the time of holding the Circuit

Courts in the 7th Judicial District in this State, and Chancery Courts at Clarksville and Charlotte.

The House of Representatives have taken up and considered the Senate's amendments to the bill from the House to suppress illegal voting—in which amendments the House of Representatives concur.

And then he withdrew.

Whereupon the honorable Speaker of the Senate signed said enrolled act, and ordered that the same be transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate, on motion of mr. Ashe, took up and considered a bill to incorporate the Trenton, Brownsville and Somerville Turnpike Company.

Which being read, mr. Warner moved to amend said bill by striking out the 15th section of said bill, and insert in lieu thereof the following:

SEC. 15. *Be it enacted*, That the Governor of this State shall not be authorized to subscribe for any stock in behalf of the State in said road.

Which being read, and without further action thereon, mr. Warner gave way to a motion by mr. Foster, who asked leave of absence for the day of Senators composing the committee on the Lunatic Asylum, to visit said institution, to inspect the same and report thereon to the present session of the General Assembly.

The Senate then adjourned until to-morrow morning 9 o'clock.

FRIDAY, DEC. 31, 1841.

Mr. Johnson presented a petition from sundry citizens of Greene county, praying that a law may be passed discharging the securities of M. G. Fellows, late sheriff of the county of Greene, from all liabilities upon a judgment obtained against said sheriff and his securities for State Tax to the amount of about one thousand dollars.

Which being read, was, on motion of mr. Johnson, referred to the committee on Claims.

Mr. Johnson presented the petition of sundry citizens of the county of Greene, praying that a law may be passed discharging the securities of M. G. Fellows, late sheriff of the county of Greene, from the payment of the amount of a judgment against said sheriff and his securities for State Taxes collected by said sheriff.

Which being read, was, on motion of mr. Johnson, referred to the committee on Claims.

Mr. Williams presented the petition of sundry citizens of Claiborne county, praying that a new county may be created by law, to be taken from the counties of Claiborne and Hawkins.

Which being read, was, on motion of mr. Williams, referred to the committee on New Counties and County Lines.

Mr. Warner, chairman of the committee on Claims, to whom had been referred a resolution adopted by the House of Representatives and transmitted to the Senate, directory to the Superintendent of Pub-

lic Instruction, relating to the payment of interest by the county of Hardeman, which money is directed by the act of 28th January, 1840, to be refunded to said county of Hardeman, reports that said committee have had the same under consideration and are of opinion that said money should be refunded to the county of Hardeman, and have instructed him to report said resolution, and to recommend a concurrence therein.

And said report being read, the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Foster, chairman of the committee on the Judiciary, to whom had been referred a bill more effectually to provide for the Poor, reports that the committee have had the same under consideration; that said committee had instructed him to report said bill, and to recommend that said bill be laid on the table.

On motion of mr. Foster, said bill was laid on the table.

The Senate, on motion of mr. Reneau, took up and considered a bill from the House of Representatives to incorporate a Literary Institution in the town of Maryville in Blount county, to be styled the Maryville College.

Which bill was read a second time and passed.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have read and adopted a resolution relating to a set of the standard of Weights and Measures, directed by a resolution of the Congress of the United States requiring the Secretary of the Treasury of the United States to furnish and deliver the same to the Governors of the several States of the United States, and directing the Secretary of State for the State of Tennessee to open a correspondence with the Secretary of the Treasury of the United States touching the delivery to the Governor of the State of Tennessee at the office of the Secretary of State said standard of Weights and Measures.

And then he withdrew.

Mr. Laughlin moved that the Senate take up the consideration of a preamble and certain resolutions by him submitted on the 21st inst., choosing Hopkins L. Turney and Thomas Brown Senators to the Congress of the United States from the State of Tennessee, and the question thereon being had, was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, miller, motley, Nelson, Peyton, Reneau, Sevier, and Williams—13.

So said motion to take up said preamble and resolutions was rejected.

The Senate, on motion of mr. Bradbury, took up and considered a resolution passed by the House of Representatives, to amend the 4th section of the 10th article of the Constitution of the State of Tennessee, so as to permit the Legislature of Tennessee to divide the county of Perry.

Which being read, and the question, Shall said resolution be passed? was had and determined in the affirmative—ayes 16—nays 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs, Ashe, Bradbury, Frey, Jennings, Johnson, maclin, martin, miller, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Gardner, Hardwicke, Laughlin, matthews, motley, Ross and Warner—7.

So said resolution was passed upon its first reading.

The Senate, on motion of mr. Laughlin, took up and considered certain resolutions by him submitted on the 22d instant, directory to the Hiwassee Rail Road Company.

Which being read, mr. Laughlin moved to amend said resolutions by adding thereto the following:

14. State what amount has been expended in the payment of costs, Attorneys' fees, and other incidental expenses, and to whom.

Which being read and considered by the Senate, said amendment was adopted.

Said resolutions as read, being amended, were adopted.

Ordered, that the clerk acquaint the House of Representatives therewith and ask a concurrence therein.

Mr. Turney introduced a bill to settle the claims of the improvers of the rivers in Fentress county.

Which bill was read a first time and passed.

Mr. Gardner introduced a bill for the relief of sheriffs in certain cases.

Which bill was read a first time and passed.

Mr. Frey in the chair, mr. Laughlin moved to take up the consideration of the preamble and resolutions by him submitted on the 20th instant, and choosing Hopkins L. Turney and Thomas Brown Senators to the Congress of the United States from the State of Tennessee. And the question upon taking up said preamble and resolutions being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said motion to take up the consideration of said preamble and resolutions prevailed.

Said preamble and resolutions being read, mr. Ashe submitted the following resolution, in lieu of the preamble and resolutions submitted by mr. Laughlin, which is in the following words:

Resolved, That the Senate meet the House of Representatives in their Hall on the third day of January next, for the purpose of electing two Senators to the Congress of the United States, one to fill the unexpired term of Felix Grundy, deceased, the other to serve for six years from the 4th of March last.

Which being read, and the question upon the adoption of said amendment in lieu of said preamble and resolutions being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said amendment was rejected.

Mr. Reneau moved to amend the preamble and resolutions by striking out the preamble. And the question upon said amendment being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said amendment, by striking out said preamble, was rejected.

Mr. Laughlin moved to amend the first resolution by striking out the word "shall," and to insert in lieu thereof the word "should;" which being considered by the Senate, said amendment was adopted.

The question then recurred upon the adoption of the first resolution, as amended.

Mr. Foster offered the following amendment in lieu of the first resolution, in the following words, to-wit:

Resolved, That it is expedient and proper for this General Assembly to elect two Senators for the State of Tennessee to the Congress of the United States, and that these Senators should be elected by a joint vote of the Legislature in convention, and to the election of such Senator, a majority of the votes of both Houses in convention shall be required; which being read, mr. Ross moved to lay said amendment on the table.

And the question upon laying said amendment on the table was had and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were;

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said motion to lay said amendment on the table prevailed.

Mr. Williams submitted the following amendment, which he offered in lieu of the first resolution, which is in the following words:

That a conformity to the will of a majority of the people, as expressed in the election of Senators and Representatives to the General Assembly, should be regarded as a prominent duty in the election of Senators to the Congress of the United States; which being read,

Mr. Johnson moved to lay said amendment on the table, and the question was thereupon had, and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said motion to lay said amendment on the table prevailed.

The question then recurred upon the adoption of the first resolution, which was had and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *Motley*, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said first resolution was adopted.

Mr. Laughlin moved the adoption of the second resolution; and the question thereon being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said second resolution was adopted.

Mr. Laughlin moved the adoption of the third resolution; and the

question upon the adoption of said resolution being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said third resolution was adopted.

Mr. Laughlin moved the adoption of the Preamble to said resolutions, when mr. Reneau moved a division of the question, so as to take the vote on each distinct proposition in said Preamble separately—

And the question upon said motion to consider each distinct proposition in said Preamble separately being had, was determined in the negative.

The question then recurred upon the adoption of the Preamble to said resolutions, which being had was determined in the affirmative —ayes 13—nays 12.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said preamble to said resolutions was adopted.

Mr. Warner moved to take up the amendment offered by mr. Williams in lieu of the first resolution, and amend the preamble, by adding said amendment so offered, as aforesaid, thereto.

The chair decided said motion as being out of order.

Whereupon it is ordered that the clerk transmit said preamble and resolutions to the House of Representatives, announce their adoption and ask the concurrence of the House therein.

On motion of mr. Bradbury,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled, a bill entitled an act for the relief of the La Grange and Memphis Railroad company.

Which was thereupon signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives for the signature of the Speaker of the House to said act.

The Senate, on motion of mr. Waterhouse, took up and considered a bill from the House of Representatives for the benefit of Joseph Burnett of Marion county.

Which bill was read a first time and passed, when, on motion of mr. Waterhouse said bill was referred to the committee on claims.

Mr. Turney introduced a resolution to amend the constitution, so as to permit the supreme court to be held in the Mountain district, in addition to the places now held.

Resolved, by the General Assembly of the State of Tennessee, That the 6th article and 2d section of the constitution be so amended that the supreme court may be held at one place in the *Mo*untain District, in addition to the places now to be held.

Which resolution being read, was laid on the table.

The Senate, on motion of mr. Waterhouse, took up and considered a resolution to amend the fourth section of the tenth article of the constitution of this State, so that the counties of Bledsoe and *Ma*rion shall come under the general provisions of the constitution in forming new counties.

Which resolution being read, and the question "Shall said resolution pass?" being had was determined in the affirmative—ayes 14—nays 8.

The ayes and noes being demanded,

The affirmative voters were:

*Me*ssrs. Bradbury, Frey, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Peyton, Powell and Waterhouse—14.

The negative voters were:

*Me*ssrs. Ashe, Foster, Gardner, Nelson, Reneau, Ross, Sevier and Williams—8.

So said resolution was passed upon its first reading.

On motion of mr. Warner, mr. Miller was added to the committee on claims.

On motion of mr. Ashe, the Senate took up and considered a bill to incorporate the Trenton, Brownsville and Somerville Turnpike company.

Mr. Reneau offered the following amendment in lieu of the amendment offered by mr. Warner in lieu of the 15th section of said bill as follows:

"Provided that the sum of money that may be subscribed by the Governor under the provisions of this act shall be considered as so much of the sum which was allotted to the western division of the State by an act commonly called the compromise act, passed at the regular session of 1837–8."

Which amendment was read, and no further action thereon had.

Mr. Foster, chairman of the committee on the Judiciary, to whom had been referred a bill for the benefit of endorsers and securities—*Reports*, that said committee have had the same under consideration, and think the provisions therein contained improper and that said bill should not be passed, that said committee have directed him to report said bill and to recommend its rejection.

Which report being read, on motion of mr. Ledbetter, said bill was laid en the table.

On motion of mr. Turney the committee on Education and Common Schools, from the further consideration of a bill from the House of Representatives to amend an act entitled an act to re-enact and amend an act to establish a system of Common Schools in the State of Tennessee, passed 28th January, 1840, is discharged.

On motion of mr. Reneau,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 1, 1842.

The Senate adjourned until Monday morning next.

MONDAY, JAN. 3, 1842.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled acts:

An act to authorize the establishing of ferries on the Mississippi river.

An act to incorporate the inhabitants of the town of Lynchburg in the county of Lincoln.

An act to suppress illegal voting.

Which I am directed to transmit to the Senate for the signature of the Speaker of the Senate.

The House of Representatives have read a third time and passed a bill to amend the first section of an act of 1839–40, chapter 46, exempting registers from military duty—which I am directed to transmit to the Senate and ask their concurrence therein.

Also, an act for the relief of the La Grange and Memphis Rail Road Company—which was signed by the Speaker of the House of Representatives, which I am directed to transmit to the Senate for the further action of the Senate to be had thereon.

And then he withdrew.

Whereupon the Speaker of the Senate signed the three first acts in this message mentioned, and ordered that the same be re-transmitted to the House of Representatives for the further order of the House thereon to be had—and that the latter enrolled act in said message mentioned, be deposited in the office of the Secretary of State for the State of Tennessee.

Mr. Williams introduced a bill to regulate the price of public printing.

Which was read a first time and passed.

Mr. Laughlin introduced a bill to alter the time of holding the Circuit Courts of Cannon county.

Which bill was read a first time and passed.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled resolutions, to wit:

A resolution directory to the Superintendent of Public Instruction in relation to the payment of certain moneys to the 1st School District in Marion county.

Also, a resolution directory to the Superintendent of Public Instruction in relation to refunding money to Hardeman county.

Which I am directed to transmit to the Senate for the signature of the Speaker of the Senate.

The House of Representatives have taken up and read a petition of Lot Haggard, relating to certain land claims.

Also, the petition of Henry Dixon and others, administrators of Wynn Dixon, deceased, in relation to certain land claims.

Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled resolutions, and ordered that they be transmitted to the House of Representatives for the further action of the House thereon to be had.

Mr. Warner, chairman of the committee on Claims, to whom had been referred a bill from the House of Representatives to authorize and require the Entry Taker of the Ocoee District to refund money in certain cases, reports that said committee have had the same under consideration, and have directed him to report said bill with an amendment, and with said amendment to recommend the passage of said bill, which amendment is in the following words, to-wit:

Provided always, that no part of the money paid by such general enterer shall be refunded, but for the number of acres which shall have been taken by such occupant enterer, and not for any land entered by such general enterer, which is not or has not been taken up by the better title of such occupant enterer—which amendment so reported I am directed to add to the first section of said bill, and to strike out of said bill, after the words "full amount of money," the words "with interest thereon."

Which report being read,

Mr. Gardner offered the following amendment in lieu of the amendment reported by the chairman of the committee on Claims to said bill, in the following words:

Provided, That in no case shall any person receive any benefit under this act before he shall have filed his petition in the Circuit Court of the county, setting forth the facts, and shall have proved to the satisfaction of the Court, by the evidence of disinterested and credible witnesses, that the principal inducement to his entry has failed, by some portion thereof having been taken by the better title of some occupant settler: *And provided also*, that such general enterer shall satisfy the Court that he acted in good faith and in ignorance of the act of the General Assembly, granting a preference of entry to the settler; and upon such petition being filed and such proof being made, the Court shall decree whether in his opinion any portion, and if any, how much of the money paid by the general enterer ought to be refunded to him by the State, and upon the production of a regularly certified copy of such decree to the Entry Taker of the Ocoee Distraict, it shall be his duty to refund the money or draw his warrant

upon the Treasurer for the amount so ordered to be refunded by the Court.

Which being read, and the question upon the adoption of said amendment, in lieu of the amendment reported by the chairman of the committee to said bill, being had, was determined in the negative —ayes 9, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Jennings, Johnson, Miller, Nelson, Powell, Waterhouse, and mr. Speaker Turney—9.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Reneau, Ross, Sevier, Warner, and Williams—13.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment reported by the chairman of the committee to said bill, which was had, and determined in the affirmative—ayes 14—nays 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Reneau, Ross, Sevier, Warner, and Williams—14.

The negative voters were:

Messrs. Ashe, Jennings, Johnson, Miller, Nelson, Powell, Waterhouse, and mr. Speaker Turney—8.

So said amendment was adopted.

Mr. Waterhouse offered the following amendment to said bill:

Sec. 4. *Be it enacted*, That when any person shall have entered any section, quarter section or fraction of such, and upon an accurate survey and measurement of the same, it shall be found that the same does not contain the amount or number of acres which it purports to contain upon the plan or plat of the Ocoee District in the Entry Taker's office of said district, and for which the entries are made, it shall be the duty of the Entry Taker to refund the money for the deficiency in such cases, upon the production of a plat and certificate of the county surveyor, verified by an oath before some justice of the peace in said county where the land lies.

Sec. 5. *Be it enacted*, That where any person shall have entered as an occupant, or as a general enterer, or their assignees, any land in the Ocoee District, and paid for the same, and the same land, or any part thereof, has been entered by any other person or persons, and taken from the first enterer upon the ground that the last enterer had the true, genuine occupant right, it shall be the duty of the Entry Taker to refund to the first enterer the money by him paid, when the State cannot make him a title thereto.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 7, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Johnson, Miller, Powell, Waterhouse and mr. Speaker Turney—7.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Laughlin, Ledbetter, Matthews, Nelson, Reneau, Ross, Sevier, Warner and Williams —14.

So said amendment was rejected.

Mr. Laughlin moved to amend said bill by inserting in the second section, after the words "their assignees," the words "provided such general enterer entered the same at one dollar per acre;" and the sense of the Senate thereon being had, said amendment was rejected. And said bill, as amended, was read a second time and passed.

Mr. Ross asked and obtained leave of absence for the Senator from Maury until Thursday next, who visits his mother, who is ill of a dangerous disease, his presence being pressingly requested on this occasion.

Mr. Gardner submitted the following:

Resolved, That the joint select committee to which is referred the duty of reporting the number of copies of the journals of each branch of the present General Assembly proper to be printed, be and they are hereby instructed also to report the number of the copies of the acts which ought to be printed, and to inquire and report upon the propriety and policy of having one hundred copies of the journals, to wit, twenty-five copies of the Senate's journal and seventy-five copies of the House journal, bound for the use of the members, at this and each succeeding session of the Legislature, and that said committee embrace those subjects in their report to their respective houses.

Which being read, was laid on the table.

Mr. Ledbetter, from the committee of Ways and *Means*, to whom had been referred that portion of the Governor's message relating to the distribution of the sales of the public lands coming to the State of Tennessee, reported a bill to dispose of that portion of the public moneys arising from the sale of the public lands to which Tennessee may be entitled under the act of Congress of the extra session of Congress, commonly called the distribution act, reported that said committee have had the same under consideration and directed him in part to report the bill as of said committee, and a part of said bill he reports of himself with the permission of said committee, and to recommend its passage.

Which bill, as reported by said committee, was read a first time and passed.

Mr. Powell introuduced a bill to appropriate to Johnson county the State Tax due, or that may be due therefrom for the years 1842, 1843.

Which bill was read a first time and passed.

Mr. Hardwicke submitted the following:

Resolved, That a select committee of seven be appointed—two from the Eastern Division, two from the Western, and three from the *Mi*ddle Division of the State—to take into consideration so much of the Governor's message as relates to the Bank of Tennessee, and also the

report of the President of said Bank made to the present General Assembly, and that they report by bill or otherwise.

Which being read, was laid on the table.

On motion of mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION

Mr. Ledbetter returned a bill for the benefit of endorsers and securities, by him withdrawn for amendment, with the following amendment in lieu of the whole bill, as follows:

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where judgment may be rendered against any person or persons, or the heirs or representatives of any person or persons who was endorser on any note, bill, bond, or obligation, it shall and may be lawful for such endorser or endorsers, his, her or their representatives, to obtain judgment by motion against his, her or their principal obligor or obligors, or their representatives, for the full amount of such judgment and costs, before any jurisdiction having cognizance thereof, and execution shall issue accordingly: *Provided*, that an endorser in no case shall obtain a judgment by motion against the maker when such endorser confesses judgment, or suffers judgment to be entered against him by default, unless it shall appear that the maker had been duly notified to appear and defend the suit against said endorser or give counter security.

Sec. 2. *Be it enacted*, That where any judgment shall have been or may hereafter be rendered against any endorser of any note jointly with the maker or previous endorser or endorsers upon such note, it shall be lawful for such endorser to move the Court, at the same or any subsequent term thereof, for judgment against such maker or previous endorser or endorsers, or both, against whom such judgment had been rendered, and it shall be the duty of the Court to render judgment for the amount of said judgment and costs without further notice.

Which amendment being read, mr. Turney moved to amend the first section of said bill by striking out, after the words "his, her or their," the word "principal," and to insert in lieu thereof the word "maker."

Which amendment being read and considered by the Senate, was adopted.

Mr. Ross moved to amend said bill by adding thereto, at the end of the second section, the following: "Provided it shall be ascertained by the verdict of a jury that he has paid such judgment.

Which amendment being read and considered by the Senate, said amendment was adopted.

Mr. Foster moved to amend the second section of said bill by striking out, after the words "that where any judgment," the words "shall have been or."

Which being read and considered by the Senate, said amendment was adopted.

And said bill as amended was read a second time, and the question recurring upon the passage of said bill, was determined in the affirmative—ayes 13, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Hardwicke, Laughlin, Ledbetter, Motley, Peyton, Reneau, Ross, Sevier, Williams, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Foster, Jennings, Johnson, Maclin, Matthews, Miller, Nelson, Powell, Warner, and Waterhouse—10.

So said bill was passed upon its second reading.

Mr. Turney returned a bill from the House of Representatives to amend an act entitled act to re-enact and amend an act to establish a system of common schools in the State of Tennessee, passed January 28, 1841, by him withdrawn for amendment.

Which bill mr. Turney returned without amendment.

Mr. Bradbury moved to amend said bill by adding thereto the following, to wit:

Sec. 10. *Be it enacted*, That all school moneys belonging to the State of Tennessee, that is now or hereafter may come into the hands of any trustee for said State, shall remain in said trustee's hands until the school or schools are taught according to law, and then the common school commissioners for each district shall draw on said trustee in favor of the teacher, or such person to whom the same may be due, for the amount due or may be owing to each civil district, and the order or orders from said commissioners shall be a good voucher for said County trustee in his settlement with the County commissioners: and the money shall remain, as well as any balance of the same, in the hands of the trustee till so drawn for.

Which amendment being read, mr. Foster moved to amend said amendment by inserting therein, after the words "hands of any county Trustee," the following: "upon the distribution of the interest of the common school fund by law."

Which amendment to said amendment being read and considered by the Senate, was adopted.

And said amendment as amended being read and considered by the Senate, was adopted.

Mr. Turney moved to amend said bill by adding thereto the following:

Sec. 11. *Be it enacted*, That all laws requiring a rate bill or other contribution to be made, other than by this act, be repealed, and hereafter it may be lawful for the free voters of any common school district, or a majority of them, to meet at the school house in their district, on the first Monday in July of every year and organize themselves into a corporate body, choose a chairman, and a majority being present, shall have power to make by-laws regulating their school, lay taxes, appoint a collector to collect the same, who shall be authorized by a vote of the said corporation, and make all necessary orders and regulations for the common good of the school of such dis-

trict, not inconsistent with the Constitution and laws of the State, and keep a regular record of their proceedings.

Sec. 12. *Be it enacted,* That the meetings, as fixed by this act, on the first Mondays in July, may be altered by the said corporation, so that they may, after they are organized, meet upon their own adjournment: *Provided,* That nothing in this act shall make it obligatory upon the citizens of any district to organize according to this act, but the same is left to their free will and choice.

Which amendment being read and the sense of the Senate being thereon had, said amendment was adopted.

Mr. Waterhouse moved to amend said bill by adding to the amendment offered by mr. Turney and adopted, the following:

Sec. 13. *Be it enacted,* That when the population of any school district is scattered and too remote from the place where the district school is established, and such portion of the population by themselves or in connexion with citizens of any other district or districts, desire to have a separate school house, and furnish a list of twenty scholars or more to the commissioners, the persons who shall so apply, having the said twenty scholars within the age prescribed by law, shall be entitled to their rateable share of said fund, to be expended for the benefit of said separate school under the direction of the said commissioners.

Sec. 14. *Be it enacted,* That the special act in relation to common schools in the Hiwassee and Ocoee Districts shall not be affected by this act, but that this act shall be amendatory to said act, regulating common schools in the aforesaid Hiwassee and Ocoee Districts—passed on the 13th day of December, 1841.

Said bill as amended was read a second time and passed.

Mr. Powell introduced the following preamble and resolution:

Whereas, by the 25th section of an act of the General Assembly, passed the 19th day of January 1838, chapter 107, entitled an act to establish a State Bank to raise a fund for Internal Improvement, and to aid in the establishment of a system of education, it is declared that the stock to be taken by the State, in the several improvements, shall not exceed four millions of dollars, (to wit): one million four hundred thousand dollars in East Tennessee, one million six hundred thousand dollars in Middle Tennessee, and one million of dollars in the Western District, with a proviso—That one hundred thousand dollars of the sum so appropriated to each of the grand divisions of the State, shall be used in the improvement of the navigation of their respective rivers. And

Whereas, of the aforesaid sum of one million six hundred thousand dollars allotted to *M*iddle Tennessee, the State has subscribed the sum of $1,377,666 66 for stock in Internal improvement companies organized in said division, and State bonds to the amount of $880,166 66 have already been issued to said companies, leaving a balance of $122,833 34 of said $1,500,00 not subscribed for stock in Internal improvement companies; and $619,883 34 thereof for which the bonds of the State have not been issued of the above sum of $1,577,166 66 subscribed by Middle Tennessee to Internal improvement companies, it is estimated by the Secretary of State in a report made by him to the present session of the Gen-

eral Assembly, that the sum of $1,184,666 66 will be expended. And

Whereas, of the aforesaid sum of $900,000 appropriated by the act of 1837-8, to the Western District, the sum of $332,000 has been subscribed by the State to Internal improvement companies and $199,250 of the bonds of the State have already been issued to said companies, leaving a balance of $568,000 of said $900,000 not subscribed by the State to works of Internal improvement, and the sum of $700,750 thereof for which the bonds of the State have not been issued. And

Whereas, the sum of $1,300,000 allotted to East Tennessee, by the provisions of the aforesaid act, the State has subscribed for stock in Internal improvement companies in said division, and issued bonds therefor to the amount of $389,000, leaving a balance of $911,000 of the original appropriations for which no bonds have been issued to Internal improvement companies, to which may be added a large portion of $32,000 of State bonds heretofore issued to the Louisville, Charleston and Cincinnati Railroad Company, which will be returned, making the unexpended balance of said fund in favor of East Tennessee, near one million of dollars. And

Whereas, the provisions of the 25th section of the aforesaid act of 1838, is the basis of the compromise then made by the General Assembly, of the conflicting claims of the grand divisions of the State; the principles of which compromise were adjusted and agreed on at the inception of the present system of Internal improvements, in this State, by a due regard to the real situation and respective wants of each of said divisions, and were intended to be observed, in good faith, by each succeeding Legislature, until said system should be consummated to the extent of the fund thus appropriated. And

Whereas, from the foregoing facts it appears that great inequality at present exists, in the benefits derived by the respective divisions of the State under said act. Therefore,

1st. *Resolved, By the General Assembly of the State of Tennessee,* That it is the sense of the present members thereof, that said compromise shall be observed in good faith—that fairness and justice require that the same shall be executed by this or some future General Assembly, to the extent of the benefits already received by Middle Tennessee, under the provisions of said act, and that a high, legal and moral obligation now rests upon the members of this General Assembly, to recognize the principles contained in said compromise act, and the honor of the State, our successors, will be involved in their execution.

Which being read was laid on the table.

The Senate, on motion of mr. Turney, took up and considered a resolution proposing that the 6th article of 2d section of the constitution of the State of Tennessee, be so amended as to permit the Supreme Court to be held in the Mountain District.

Which being read a first time, and the question "Shall said resolution pass?" being had, was determined in the affirmative—ayes 12—nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Reneau, Waterhouse and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Motley, Nelson, Peyton, Ross, Sevier and Williams—10.

So said resolution was passed upon its first reading.

The Senate, on motion of mr. Gardner, took up and considered a bill for the relief of Sheriffs in certain cases.

Which bill was read a second time and passed, when mr. Sevier asked and obtained leave to withdraw said bill for amendment.

The Senate, on motion of mr. Gardner, took up and considered a bill for the relief of such persons, as obtained a license to retail liquor after the passage of the tippling act of 1838, and before its promulgation.

On motion of mr. Gardner said bill was referred to the committee on Claims.

The Senate took up and considered a bill from the House of Representatives to amend the first section of the act of 1839–40, chapter 46, exmpting registers from military duty.

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to extend the time for the return of executions issued by justices of the peace, and for other purposes.

Which bill was read a first time and passed.

The Senate took up and amended a bill from the House of Representatives to amend the laws in relation to appeals in courts of error.

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives, to authorise David Smith to open a Turnpike road; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to prevent frauds in entering and selling lands previously appropriated—passed 29th January, 1840, chapter 128.

Which bill was read a first time and passed.

The Senate, on motion of mr. Peyton, took up and considered a bill for the securities of public ferries.

Which being read, mr. Peyton moved to amend said bill by filling the blank therein occurring, after the words "with safe bannisters at least," by inserting therein the word "three," and the sense of the Senate thereon being had, said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to revive an act entiled an act for the benefit of certain reservees, chapter 24, passed at Murfreesboro', August 27th, 1822, and to revive an act entitled an act to revive an act entitled an act for the benefit of certain reservees, passed at Murfreesboro', in 1823, chapter 175, and to revive an act passed at Murfreesboro', 1825, chapter 12, entitled an act to revive an act entitled an act for the benefit of certain reservees, passed at Murfreesborough, 22d Aug. 1822.

Which bill was read—when, on motion of mr. Miller, said bill was laid on the table.

The Senate took up and considered a resolution from the House of Representatives to amend the fourth section of the tenth article of the constitution of this State, so that the counties of Bledsoe and Marion shall come under the general provisions of the constitution in forming new counties.

Which resolution was read a second time—and the question, Shall said resolution pass? was had and determined in the affirmative—ayes 12—nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, miller, Peyton, Powell, Sevier, Waterhouse and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Foster, Frey, maclin, matthews, motley, Nelson, Reneau, Ross, and Warner—10.

So said resolution was passed on its second reading.

The Senate took up and considered a bill to protect the owners or keepers of toll gates, bridges and ferries.

On motion of mr. Foster,

Said bill was re-committed to the committee on Public Roads.

Mr. Jennings introduced a bill to insure more efficient management of the Lunatic Asylum; which bill was read a first time and passed.

On motion of mr. Jennings,

Said bill was referred to the committee on the Lunatic Asylum.

Mr. Jennings submitted the following:

Whereas, it is stated in the report made to the General Assembly by the inspectors and agent of the Penitentiary, that a large amount of claims is due to that institution, whereof a part is evidenced by promissory notes and the balance consists of open accounts—Therefore,

Be it Resolved, That the agent of the Penitentiary be and he is hereby required to report to the Senate,

1. What proportion of said promissory notes have not as yet arrived at maturity, and what proportion are past due, and of those past due, what amount has remained uncollected for a period over four months; what amount for a period over eight months; and what amount for a period over twelve months.

2. Of said open accounts—what number and amount are of ten dollars or under? what number and amount are over ten and under twenty-five dollars? what number and amount are for sums over twenty-five dollars, and under fifty dollars? what number and amount are over fifty and under one hundred dollars? and what number and amount are for sums greater than one hundred dollars? With a classification also of said open accounts, similar to that directed in regard to promissory notes, due to the institution, and having reference to the periods for which they have been outstanding.

3. Of said claims of every kind due to the institution, what proportion is bad, what good, and what doubtful.

Which being read, on motion of mr. Jennings the rule requiring resolutions to lie over one day, was suspended, and said resolution adopted.

Ordered that the clerk transmit to the Inspectors and agent of the Penitentiary a copy of said resolutions.

Mr. Jennings introduced a bill to prevent the accumulation of bad and doubtful claims in the dealings of the Penitentiary,

Which bill was read a first time and passed.

The Senate took up and considered a bill to settle the claims of the improvers of rivers in Fentress county,

Which bill was read a second time and passed.

The Senate took up and considered a bill for the relief of the commissioners for the improvement of the navigation of the rivers East of Knoxville in this State,

Which bill was read a second time and passed.

The Senate took up and considered a bill to establish a branch of the Bank of Tennessee at Chattanooga, in the county of Hamilton,

Which bill was read a second time and passed.

The Senate took up and considered a bill to suppress usury,

When on motion of mr. Ashe, said bill was laid on the table.

On motion of mr. Foster,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, JAN. 4, 1842.

On motion of mr. Reneau, the Senate took up and considered a bill from the House of Representatives to incorporate a Literary Institution in the town of Maryville, Blount county, to be styled the Maryville College,

Which being read, mr. Ledbetter moved to amend the 3rd section of said bill by striking out the words "and shall be exempt from taxation,"

Which being read, and considered of by the Senate, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 16, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Johnson, Maclin, Matthews, Miller Ross and Warner—6.

So said bill as amended was passed upon its third and last reading, and ordered to be transmitted to the House of Representatives,

Ordered that the clerk acquaint the House of Representatives with the Senate's amendments to said bill, and ask a concurrence therein.

Mr. Nelson chairman from the Select committee to whom had been re-

ferred a resolution of the Senate relating to a suit in Chancery brought by the State of Tennessee against the Jefferson Turnpike company—Reports, that said committee have had the same under consideration, that said committee had instructed him to submit the following

REPORT:

The Select committee to whom was referred by the resolution of the Senate the duty to take into consideration the matters alledged in the bill and answer, in the suit now pending of the State of Tennessee against the Jefferson Turnpike company, with a view to a speedy adjustment of said suit, have had the same under consideration, and have carefully examined the facts, and allegations contained in the bill, and answers of the defendants, and have also examined sundry witnesses touching the matters in issue in the pleadings.

The committee feel satisfied the charge of fraud stated in the bill is fully and promptly denied in the answers, and that the verity of the answers is sustained by the testimony submitted to the committee. The committee are further satisfied, the interest of the State as a stockholder in said company, and the rights and interest of the defendants as joint stockholders, demand and require a speedy termination of the suit.

Therefore, they recommend that said suit be prepared for hearing, and determined at the present Chancery court for the county of Rutherford in which suit is pending.

JOHN R. NELSON, Chairman.

Which report being read and the sense of the Senate thereon had, the Senate concur therein.

Mr. Nelson chairman from the committee on Internal Improvements to whom had been referred the petition of the commissioners of the Nashville, Murfreesborough and Shelbyville Turnpike company Reports said petition without any action of the committee thereon, and asked that said committee from the further consideration of said petition be discharged, and the sense of the Senate being had thereon—said committee from the further consideration of said petition was discharged.

Whereupon mr. Nelson introduced a bill for the relief of the Nashville, Murfreesborough and Shelbyville Turnpike company, and to equalise their condition, with that of other Internal improvement companies in the State.

Said bill was read a first time and passed.

On motion of mr. Peyton,

The Senate took up and considered a message from the House of Representatives transmitting the petition of Lot Haggard, praying the adjudication of a certain land warrant in said petition mentioned.

Which being read, on motion of mr. Peyton, said petition was referred to the committee on Claims.

On motion of mr. Peyton,

The Senate took up and considered a message from the House of Representatives transmitting the petition of Henry Dixon and others, administrators of Wynn Dixon, deceased, praying that a certain land warrant in said petition mentioned, may be adjudicated.

Which being read, on motion of mr. Peyton, said petition was referred to the committee on Claims.

Mr. Jennings presented the petition of sundry citizens of the county of Davidson, relating to a turnpike road called the Penitentiary turnpike road, protesting against said road terminating at the end of ten miles, and insisting upon the appropriating of a fund sufficient to extend said road beyond the Harpeth at the Cow-ford and to the West side of the Backbone ridge.

Which being read, on motion of mr. Jennings, it is ordered that the same be transmitted to the House of Representatives.

Mr. Hardwicke presented the petition of certain citizens of Dickson county, residing on Turnbull creek, protesting against the passage of a law creating a turnpike road from Nashville to the Backbone ridge.

Which being read, was, on motion of mr. Hardwicke, ordered to be transmitted to the House of Representatives.

Mr. Frey, from the joint select committee to whom had been referred for settlement the books and accounts of R. P. Currin, late Superintendent of Public Instruction, reports that said committee have had the same under consideration, and that said committee had instructed him to submit the following report, to-wit:

The joint select committee, appointed to settle with R. P. Currin, late Superintendent of Public Instruction, have performed that duty, and beg leave to submit the following *Report:*

As the report of the late Superintendent to the present session of the General Assembly only shows the condition of the school fund under the control of that department up to the 1st day of October, 1841, and as some delay intervened between the period of the election of his successor and his induction into office, during which time the late incumbent continued to discharge the duties of the office, the first object to which your committee directed their attention was to ascertain the sums received and expended by the Superintendent during the above mentioned interval. Upon examination your committee found that the late incumbent, within the period aforesaid, received:

Oct.	From J. Taylor, agent for Hardeman county,	$415 42
	Huntsman & Scurlock, attorneys for Perry county,	427 84
	Jesse Gray, agent for Perry county,	60 00
	M. M. Swan, agent for Knox county, on old Bank judgments in Monroe county,	144 74
	J. H. Thomas, agent and attorney for Maury county on old Bank judgment,	130 81
	Hugh Francis, agent for Franklin county,	76 00
	John Harding, agent for Davidson county,	50 77
	Entry Taker of the Ocoee District,	4436 69
		$5737 27
	Also, received from Hugh Francis, agent for Franklin county,	236 00

From James Schoolfield, agent for Bledsoe county,		1058 84
		$7032 11

Amount received by the late Superintendent between the date of his receipt and his settlement with your committee, $7032 11

The following are the sums expended by the late incumbent between the above periods, for which he produced vouchers:

Warrant to R. Armstrong, for postage,	$44 12¾	
" R. B. Turner, for costs in issuing executions,	103 81	
" H. G. Smith, for attorney's fee,	150 00	
" J. D. Welcker, "	20 00	
" Huntsman & Scurlock, "	21 39	
	$339 32¾	

Amount on hand for which no certificate of stock had been taken by said Superintendent at the date of his report, $3212 27

$10244 38

The Superintendent produced two certificates of stock—

One dated 5th November, 1841, for	$3751 90	
One other dated 2d November, 1841, for	4431 69	$8133 59
		$20060 79

Of the above amount, $1150 is principal, and the balance, $910 79, is interest. Of the latter sum, $144 84 belongs to the contingent fund, and the balance of $765 95, is included in the receipt of the Cashier of the State Bank to the Superintendent, for money paid over by him since the 28th day of March, 1840, dated 5th November, 1841, and passed to the credit of the contingent or sinking fund on the books of the bank.

There is on the books of the bank to the credit of the school fund, for which no certificate of stock has yet been taken, of principal $1150, and of interest belonging to the contingent fund, for which no receipt has been taken, the sum of $144 84.

The Superintendent exhibited to your committee eight dollars of the notes of the old Bank of Tennessee redeemed by him, and which are herewith presented, and their destruction recommended by your committee.

Said Superintendent also presented to your committee forty-six dollars and fifty cents of counterfeit notes on various banks, taken and returned by different common school agents, together with the evidence furnished to him that said notes were taken by said agents, all of which accompany the report: and your committee advise the burning of said notes.

From an imperious sense of duty to the late Superintendent of Public Instruction, an unaffected love of justice, and a sincere desire to see all public servants rewarded with the public approbation for an honest and faithful discharge of their official duties, your committee cannot refrain from stating, that upon the most careful examination of the books of the office, and a scrupulous comparison of the report of the late Superintendent to the present General Assembly, they were found to correspond with the most exact accuracy.

In view of the principle above laid down, your committee cannot omit to state, that he had collected considerable sums of money on debts due the fund, which had previously been abandoned as desperate, including, in this list, many claims due the old State Bank, and others of an equally hopeless and stale character. Under the influence of the same praiseworthy spirit of perseverance and economy in the realization of this same fund; and collected a large number of debts, varying in amount, on long-neglected and almost forgotten Circuit, County court and justices judgments, scattered over all parts of the State, and has carefully recorded in the books of evidence and explanatory memoranda, showing the various sums, and different sources from whence these amounts were derived.

He has also, with great labor and indefatigable industry and research, discovered the existence, amounts, names of the debtors, place of the recovery of the judgments, debts and returns of officers on executions thereon issued, the name of the officer, &c., &c., of sundry debts due the fund, on some of which, with proper attention, a part, if not all of the money, may hereafter be realized. Of all the foregoing important data and facts, a record is made in the books of the office for the information of his successors, rendering the subject easily intelligible to any future incumbent of the office.

He also corrected, by laborious calculations of interest, many errors in the accounts current of different agents, by which much larger sums, in many instances, have been received from them, than had previously been claimed, or appeared to be due on the books of the office.

Looking through the whole range of the official duties of the late Superintendent of Public Instruction, during the entire period of his management of that sacred fund, to the preservation and prudent use of which, we look with such proud satisfaction and unshaken confidence for a rapid and progressive improvement in the virtue, intelligence and social condition of the people of the whole State, we feel fully authorised in saying, that those duties have been performed with equal honor to himself and advantage to the State.

Not fearing that they will be charged with an act of supererogation in so doing, though not strictly within the range of the duties of their appointment, your committee recommend the appropriation to the late Superintendent, in the general compensation bill, the sum of two hundred and twenty-five dollars, for expenses incurred by him in traveling to remote parts of the State in looking after the fund under his control,

and for office rent during the term of his official service—a statement of which is herewith presented.

All of which is respectfully submitted.

H. FREY, Chairman Senate Committee.
JOHN BUCHANNAN, Chairman House Committee.

Statement of expenses referred to in Report of said Committee, as above stated.

COMMON SCHOOL FUND OF TENNESSEE,
To R. P. CURRIN, SUPERINTENDENT, DR.

1840.		
Oct.	To expenses in going to Covington, Tipton county,	$10 00
1841.		
April.	To expenses in going to Perry, Gibson and Benton counties,	40 00
	To office rent, twenty-one months at $100 per annum,	175 00
		$225 00

Which report being read, the Senate concurred therein.

On motion of mr. Frey, it is ordered, that said report be transmitted to the House of Representatives.

The Senate, on motion of mr. Ashe, took up the unfinished business of yesterday, being the consideration of a bill to incorporate the Trenton, Brownsville and Somerville Turnpike Company; when the question recurred upon the adoption of the amendment offered by mr. Reneau in lieu of the amendment offered by mr. Warner; when mr. Warner moved to amend the amendment offered by mr. Reneau as follows: "And that in the apportionment of appropriations for internal improvement between the three grand divisions of the State, strict regard shall be paid to the value of taxable property in each division;" which being read, and pending the consideration thereof,

On motion of mr. Ross,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

On motion of mr. Hardwicke, the Senate took up and considered a resolution by him submitted on yesterday, proposing that a select committee of seven be appointed, two from the eastern division, two from the western, and three from the middle division of the State, to take into consideration so much of the Governor's message as relates to the Bank of Tennessee, and also the report of the President of said bank, made to the present General Assembly—that said committee report by bill or otherwise; which being read and considered by the Senate, said resolution was adopted.

Ordered, that messrs. Hardwicke, Warner, Foster, Powell, Nelson, Gardner and Sevier, be appointed said committee.

The Senate, on motion of mr. Gardner, took up and considered a resolution by him submitted on yesterday, proposing that the joint select committee be appointed to report the number of journals to be

printed for each branch of this General Assembly at the present session, be instructed also to report the number of copies of the acts which ought to be printed, and to enquire and report upon the propriety of causing one hundred copies of the journals—twenty-five of the Senate's journal and seventy-five of the House's journal—to be bound for the use of the members at this and each succeeding session of the Legislature; which being read and considered by the Senate, said resolution was adopted.

Ordered, that the clerk acquaint the House of Representatives therewith, and ask a concurrence therein.

The Senate, on motion of mr. Ashe, took up the consideration of the unfinished business of the morning, being a bill to incorporate the Trenton, Brownsville and Somerville Turnpike Company.

The question recurring upon the amendment offered by mr. Warner, to the amendment offered by mr. Reneau in lieu of the first amendment offered by mr. Warner to amend said bill by striking out the 15th section, when the Speaker of the Senate, on a question of order to the second amendment offered by mr. Warner being made, decided that said second amendment was out of order, being an amendment in the third degree.

The question then recurred upon the adoption of the amendment of mr. Reneau, offered in lieu of the amendment offered by mr. Warner, in lieu of the 15th section of said bill; and pending the consideration of said amendment, mr. Warner having the floor, gave way to a motion made by mr. Nelson to adjourn.

The Senate then adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JAN. 5, 1842.

Mr. Williams presented the petition of sundry citizens of Campbell county praying that a Chancery court be established at Jacksborough in the county of Campbell,

Which being read, on motion of mr. Williams, said petition was referred to the Judiciary committee.

Mr. Foster chairman of the committee on the Judiciary to whom had been referred a bill to reduce the fees of Attorney Generals in certain cases—Reports, that said committee have had the same under consideration, and having considered said bill, have directed him to report said bill with the following amendment; *Provided*, that on conviction for gaming made felony by law, the fee of the Attorney General shall be ten dollars, to be taxed in the bill of cost, and to be paid by the defendant, and with said amendment to recommend the passage of said bill,

Which report being read, mr. Ledbetter moved an amendment in lieu of the amendment reported by the chairman of the committee on Judiciary, as follows: *Provided*, that in all cases for gaming made felony by law, or for betting on elections, the fee of the Attorney General be ten dollars,

Which being read, mr. Hardwicke asked and obtained leave to withdraw said bill for amendment.

Mr. Miller introduced a bill to authorise the Banks to issue notes of smaller denominations than five dollars,

Which bill was read a first time and passed.

Mr. Foster introduced a bill for the amendment of criminal law and for other purposes,

Which bill was read a first time and passed.

The Senate took up and considered a bill to alter the time of holding the Circuit courts of Cannon county,

Which was read a second time and passed.

Mr. Sevier returned a bill for the relief of Sheriffs in certain cases, by him withdrawn for amendment, with the following amendment, to wit:

SEC. 2. *Be it enacted*, That where any Sheriff or collector of any county in this State shall have failed to make his report of the land of non-residents lying within his county, and on which taxes are due, to the term of the Circuit court to which the law makes it his duty to make said Report, and such failure is certified by the presiding Judge and the clerk of said court to have been occasioned by a failure of that term of the court to be held, it shall be the duty of the Comptroller of the Treasury and the county Trustee of the county in which such failure may have happened, to allow said Sheriff or collector on settlement and on his presenting the certificates of the presiding Judge and clerk of said Court, a credit for the full amount of taxes due on said lands: *Provided*, that such Sheriff or collector shall embrace the lands thus failed to be reported, in the next succeeding report, and shall thereafter settle for the same as in other cases—mr. Johnson offered the following section by way of amendment to said bill.

Sect. 3. *Be it enacted*, That the provisions of the first section of this act, shall extend to and embrace the case of the securities of any Sheriff in this State, who may have heretofore failed to settle up for the revenue which had come to his hands, and who had failed to return a list of insolvents in the county within the time allowed by law, and obtain a credit therefor, in such case the further time of three months after the passage of this law, shall be given said securities, to get such credit, and the same when so obtained shall be allowed them, and the same due for State and county revenue—or whether there be judgment against such securities or not,

Which amendment being read, and the sense of the Senate thereon had was adopted.

On motion of mr. Foster, said bill was referred to the committee on Ways and means.

A message from the House of Representatives by mr. Mitchell their Clerk:

MR. SPEAKER: The House of Representatives have taken up and considered a message from the Senate transmitting certain resolutions and interrogatories directory to the Hiwassee Railroad company, have amended the same by striking out the words "Hiwassee Railroad company," wherever the same occurs, and inserting in lieu thereof the following words "different Internal improvement companies in this State in which

the State is a stockholder," and by adding to said resolutions the following further amendment :

15. In what manner was said road let out ? who are undertakers ? at what price per mile and in what manner paid, or to be paid for the construction of said road ?

16. What amount of moneys, State bonds, or either, and which, if any, have been invested in the purchase of slaves, lands, town lots, or property, and at what prices?

17. What amount of tolls have been collected by them, what expended in employing gate keepers, and if any overplus, what disposition has been made of such surplus?

18. If any of the funds of the State have been employed in the purchase of stock in said Company ; if so, at what price and from whom purchased.

19. State if in offering the road to contractors, whether or not the board of directors reserved to themselves the right, after contracts were taken, to change the location of the road; and if so, at what price per mile the contract was made, and whether the contractor was a stockholder in the road or not.

Be it further Resolved, That each and all of the foregoing interrogatories be propounded to each of the Internal Improvement Companies in which the State is a stockholder, and in which the amount has been paid, in whole or in part; that the Secretary of State furnish a copy of these resolutions and interrogatories to the President and Directors of said Companies, and that they be required to answer them on oath.

Which I am directed to transmit to the Senate and to ask its concurrence therein.

And then he withdrew.

The Senate, on motion of mr. Williams, took up and considered a message from the House of Representatives, re-transmitting a resolution, with sundry interrogatories, directory to the Hiwassee Rail Road Company, with sundry amendments made thereto by the House of Representatives.

Which being read, mr. Laughlin moved a concurrence in the amendments made by the House of Representatives to the resolution and interrogatories propounded by the Senate to the Hiwassee Rail Road Company.

Mr. Johnson moved to amend the amendment of the House of Reprerentatives by adding thereto the following :

Be it enacted, That it shall not be lawful for the Governor to issue or cause to be issued any State bond or bonds, under the provisions of any law of this State to any or either of the Rail Road, Turnpike, or other Internal Improvement Companies of the State, until the said Company or Companies, so applying for said bond or bonds, shall fully and satisfactorily answer all the questions propounded in the foregoing resolutions, either to the Legislature or the Board of Commissioners on Internal Improvements, whose duty it shall be to judge of the propriety of issuing any more State bonds to said Companies.

Which being read, and the question upon the adoption of said

amendment being had, was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Gardner, Hardwicke, Johnson, *M*atthews, Warner and Waterhouse—8.

The negative voters were:

*M*essrs. Foster, Frey, Laughlin, Ledbetter, *M*aclin, *M*iller, Nelson, Peyton, Reneau, Ross, Sevier, Williams and mr. Speaker Turney—13.

So said amendment was rejected.

The question then recurred upon the motion of mr. Laughlin to concur in the amendments made by the House of Representatives to said resolution and interrogatories, propounded to the Hiwassee Rail Road Company—which being had, was determined in the affirmative—ayes 22, noes none.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—22.

The negative voters none.

So said amendments were concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate, on motion of mr. Ashe, took up the unfinished business of yesterday, being a bill to incorporate the Trenton, Brownsville and Sommerville Turnpike Company.

The question recurring upon the adoption of the amendment offered by mr. Reneau in lieu of the amendment offered by mr. Warner, in lieu of the 15th section of said bill, and pending the consideration of said question,

On motion of mr. Peyton,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Hardwicke returned a bill as reported by the committee on the Judiciary, to reduce the tax fees of Attorneys General in certain cases, by him withdrawn for amendment, without amendment, when mr. Ledbetter withdrew the amendment by him submitted in lieu of the amendment reported by the committee on the Judiciary.

The question then recurred upon the adoption of the amendment reported by the chairman of the committee on the Judiciary—which being had, was determined in the affirmative.

So said amendment was adopted, and said bill as amended was read a second time and passed.

The Senate, on motion of mr. Williams, took up and considered a bill to regulate the price of public printing.

Which bill was read a second time, and the question recurring upon

the passage of said bill being had, was determined in the affirmative—ayes 13—nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Johnson, Peyton, Powell, Reneau, Ross, Sevier, Williams, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Hardwicke, Jennings, Laughlin, Ledbetter, maclin, matthews, motley, Nelson, Warner, and Waterhouse—11.

So said bill was passed upon its second reading.

The Senate, on motion of mr. Peyton, took up and considered a bill for the better security of public ferries.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative—ayes 20, nays 2.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Ledbetter, maclin, matthews, motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—20.

The negative voters were:

Messrs. miller and Williams—2.

So said bill was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Ashe, took up the unfinished business of the morning, being the consideration of a bill to incorporate the Trenton, Brownsville and Sommerville Turnpike Company—and the question recurring upon the adoption of the amendment offered by mr. Renaau in lieu of the amendment offered by mr. Warner, in lieu of the 15th section of said bill, when mr. Reneau asked and obtained leave to withdraw said amendment.

Mr. Reneau moved to amend the 15th section of said bill by adding thereto the following proviso, to-wit:

Provided, That the sum of money that may be subscribed by the Governor under the provisions of this act shall be considered as so much of the sum which was allotted to the Western Division of the State, by an act commonly called the compromise act, passed at the regular session of 1837—8.

Which being read and considered by the Senate, said amendment was adopted.

The question then recurred upon the amendment offered by mr. Warner in lieu of the 15th section of said bill as amended—which being read, was determined in the affirmative—ayes 13, nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, matthews, motley, Peyton, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Maclin, Miller, Nelson, Powell, Reneau, Sevier and Williams—10.

So said amendment in lieu of the 15th section was adopted.

Mr. Foster submitted the following:

Resolved, That a select committee of three be raised, to whom shall be referred the acts of 1835, 1837 and 1839, relating to the system of Internal Improvements, whose duty it shall be to examine and ascertain what amount of stock the State has taken under the acts of 1835 and 1837, and what amount of that stock has been taken in improvements in West Tennessee, what amount in Middle Tennessee, and what amount in East Tennessee; that said committee examine and ascertain what amount of stock on the part of the State based upon the principle of taxation, each grand division of the State will be entitled to, as well what amount each grand division of the State would be entitled to upon the basis of population, and that estimate to be made upon the grounds upon the amount already taken by the State in the three grand divisions, with the view to ascertain what, if any, amount of stock is proper and right for the State to take so as to equalise the amount of stock taken by the State in the three grand divisions of the State upon the basis of taxation or the basis of population, and that said committee make their report with all reasonable despatch to the Senate, accompanied with a bill to equalise the stock on the part of the State in the three grand divisions of the State, which additional stock so to be taken by the State shall be paid out of the funds coming to the State from her share of the sale of the public lands under the distribution act.

Which being read, was laid on the table.

On motion of mr. Jennings, the consideration of a bill to provide for and regulate the inspection of Tobacco, upon its second reading in the Senate, is made the special order of the day on to-morrow, January 6, 1842.

On motion of mr. Ledbetter,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, JAN. 6, 1842.

Mr. Sevier presented the petition of sundry citizens of Carroll county, praying that the 1st section of the 7th article of the Constitution of the State of Tennessee be so amended as to abolish the office of County Trustee, and transfer the duties of said office to the Sheriff of the respective counties.

Which being read, was, on motion of mr. Sevier, transmitted to the House of Representatives.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act entitled an act to charter the Sevier County Turnpike Company.

The House of Representatives have taken up a message from the Senate transmitting a resolution adopted by the Senate, choosing

Hopkins L. Turney a Senator in the Congress of the United States from the State of Tennessee, to fill the vacancy occasioned by the death of the Hon. Felix Grundy, deceased; also, choosing Thomas Brown, a Senator of the Congress of the United States from the State of Tennessee, for six years from the 4th day of March last—in which resolution the House of Representatives non-concur.

The House of Representatives have adopted a resolution proposing that the Senate meet the House of Representatives in convention in their Hall on Thursday the thirteenth of January, 1842, for the purpose of electing two Senators to the Congress of the United States, from the State of Tennessee, one to succeed the Hon. Felix Grundy deceased, and the other for six years from the fourth day of March last, and in like manner to elect a State Treasurer and Comptroller of the Treasury of the State of Tennessee, which I am directed to transmit to the Senate, and ask a concurrence therein—and then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled acts, which was ordered to be transmitted to the House of Representatives for the further action of the House thereon to be had.

On motion of mr. Hardwicke, it is ordered that the petition of certain citizens of Henry county relating to the erection of water mills be transmitted to the House of Representatives.

Mr. Frey, chairman of the committee on Enrollments, reports as correctly Enrolled resolutions and interrogatories directory to the different Internal improvement companies in this State, in which the State is a stockholder.

Whereupon the Speaker of the Senate signed said enrolled resolution, and ordered that the same be transmitted to the House of Representatives for the signature of the Speaker of the House.

Mr. Johnson moved a re-consideration of the vote of the Senate had on yesterday, adopting the amendment offered by Warner, in lieu of the 15th section of the bill to incorporate the Trenton, Brownsville and Somerville Turnpike company.

Mr. Maclin, chairman of the committee on public lands, to whom had been referred the petition of sundry citizens of the commonwealth of Virginia, owners of land in the State of Tennessee, and relating to said petitioners driving their stock to the range within this State—Reports, that said committee have had the said petition under consideration, and deem the prayer thereof unreasonable, and should not be granted, that said committee had instructed him to report said petition and recommend its rejection.

Which report being read, and considered the Senate concur therein.

So said petition was rejected.

Mr. Maclin, chairman of the committee on public lands, to whom had been referred a bill from the House of Representatives to carry into effect an act of Congress passed and approved the 18th day of February 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands, south and west of the Congressional reservation line in this State—Reports, that said committee have had the same

under consideration, and that the committee had instructed him to report said bill with the following amendments, to wit:

Insert in the eighth section after the words "to draw on the Treasurer of this State" the following: "*Provided*, the Comptroller shall not pay in satisfaction of said warrants or certificates, any other or more money than shall be received and accrue from the proceeds of said land into the Treasury of the State," strike out of the 8th section after the words "at the Comptroller's office within" the following "two years from the passage of this act," and insert in lieu thereof the following, "one year from the first day of July 1843," strike out at the end of the 16th section the following words "in the months of January and July annually," and insert in lieu thereof the following, "on the first *M*onday in June in each and every year," strike out of the 10th line in the 17th section the word "security" and insert in lieu thereof the word "securities," insert in the 7th line of the 19th section after the word "funding," the words "and satisfying," insert in the 24th section after the words "forthwith surveying the same" the following "as is defaced or indistinct, or may have been partially run and not completed," strike out of the 7th line in the 14th section after the words "shall be entitled to" the word "three," and insert in lieu thereof the word "four;" the committee further considering said bill, report an additionnl section thereto, as follows:

Sec. 25. *Be it enacted*, That the Entry takers of the counties of Lawrence, Wayne, Hickman, Giles and Maury, shall account for all moneys by them received in payment of said vacant lands, to the Comptroller of the Treasury of the State, at the city of Nashville, upon the first Monday in September in each and every year, which accounts of said Entry takers, the Comptroller shall audit and settle, and shall by warrant certify the same to the Treasurer of the State, and the said Entry taker shall forthwith pay over to said Treasurer of the State the amount of money received by them respectively, in payment for said vacant land, and in default thereof, shall be liable to all the penalties of the 17th section of this act, and for all the vacant lands in the counties of Lawrence, Wayne, Hickman, Giles and Maury, grants shall be issued by the Register of Middle Tennessee, under the same rules and regulations, and for the same fees, that grants are required to be issued in the 12th section of this act by the Register of the Western District, and with said amendment to recommend the passage of said bill,

Which report being read, mr. Matthews moved to amend said bill by adding thereto the following:

Sec. 26. *Be it enacted*, That when any person shall be the lawful owner of more than one occupant claim—which has heretofore been plainly marked out and surveyed, and spread upon the general plan of said county, and the same shall be adjoining to each other, it shall be lawful in paying for the same and perfecting a grant, to enter such occupants in one entry, and the Entry taker shall make out a plot for the same, for which he shall receive the sum of fifty cents, and this shall supercede the necessity of any further survey,

Which being read, with the amendments proposed by the committee,

and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a second time and passed.

Mr. Gardner asked and obtained leave to withdraw said bill for amendment.

Mr. Nelson presented a communication from the President of the Hiwassee Railroad company, relating to certain resolutions and interrogatories propounded and adopted, directory to internal improvement companies in this State in which the State is a stockholder.

[See Appendix.]

Which being read, on motion of mr. Nelson said communication was transmitted to the House of Representatives.

Mr. Frey moved a re-consideration of the vote of the Senate had upon the third and last reading of a bill for the better security of public Ferries, which motion prevailing, mr. Frey moved to amend said bill by inserting therein, in the enacting clause after the words "be it enacted" the words "by the General Assembly of the State of Tennessee,"

Which being read, and considered of by the Senate,

Said amendment was adopted.

Mr. Reneau moved to amend said bill by striking out after the first section the words "all kinds of stock,"

Which being read, and the sense of the Senate thereon had,

Said amendment was rejected.

Mr. Foster moved to amend the first section in said bill, by inserting therein after the words "all kinds of stock," the following "which first two rails from the gunwale of the boat shall not be farther apart than four inches,"

Which being read, and considered by the Senate,

Said amendment was adopted.

Mr. Ross moved to amend said bill by inserting therein after the words "any ferry that," the words "has been or," and to insert after the word "may" the word "hereafter."

Which being read, and considered of by the Senate,

Said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill being had was determined in the affirmative—ayes 20, noes 2.

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Motley, Nelson, Peyton, Powell, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—20.

The negative voters were:

Messrs. Miller and Reneau—2.

So said bill was read a third and last time—was ordered to be engrossed and transmitted to the House of Representatives.

On motion,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Bradbury introduced the following:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby directed to issue a duplicate of warrant No. 3145, dated the 9th August, 1841, the same being for nineteen hundred and seventy-three dollars and forty-five cents, and drawn in favor of George M. Arnold, trustee, the same being the distributive share of the school fund for the county of Henderson for the year 1841, and that said duplicate warrant, when issued, shall supply the place of the original, which has been lost or mislaid.

Resolved further, That a resolution adopted by the General Assembly on the 10th December, 1841, directing the Bank of Tennessee to pay said sum of nineteen hundred and seventy-three dollars forty-five cents to George M. Arnold, trustee as aforesaid, be, and the same is hereby rescinded; which being read, was laid on the table.

Mr. Foster introduced a resolution in lieu thereof.

Mr. Nelson submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the constitution of the State be so amended as to limit the duration of the sessions of the Legislature, by adding to the eighth section of the second article of said constitution, the words, "*and may continue in session ninety consecutive days, and no longer;*" which being read, was laid on the table.

Mr. Nelson introduced a bill to regulate the fees of attorneys general in certain cases; which bill was read a first time and passed.

The Senate, on motion of mr. Johnson, took up and considered a bill to remit to Johnson county the State tax for 1842–3; which bill was read a second time and passed.

Mr. Foster submitted the following in lieu of the resolution submitted by mr. Bradbury:

Resolved, as amendatory to the resolution adopted the 10th December, 1841, by the General Assembly, That the Comptroller of the Treasury issue a duplicate warrant from No. 3145, for the sum of nineteen hundred and seventy-three dollars forty-five cents, in favor of George M. Arnold, trustee of Henderson county, in order that the Bank of Tennessee may, under the restrictions and provisions of a resolution passed by the General Assembly 10th December, 1841, pay the sum of nineteen hundred and seventy-three dollars forty-five cents to the said George M. Arnold, trustee of Henderson county; which amendment being read, was adopted.

Said resolution, as amended, being read, and the question, Shall said resolution be adopted? being had, was determined in the affirmative.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley,

Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—24.

Negative voters none.

So said resolution, as amended, was adopted.

On motion of mr. Reneau, a bill to encourage domestic manufactures, upon its third and last reading, is made the special order of the day for to-morrow, 7th January, 1842.

The Senate, on motion of mr. Jennings, took up and considered a bill to provide for and regulate the inspection of tobacco, being the order of the day; which bill was read and considered, section by section.

Mr. Gardner moved to amend the first section of said bill, by striking out after the words "he shall receive the sum of," the word "two," and insert in lieu thereof the word "one;" which being considered by the Senate, said amendment was adopted.

Mr. Jennings, moved to amend said bill, by striking out the fourth section, as follows:

Sec. 4. *Be it enacted*, That a license for one warehouse at any town, place of market, port or landing, may be granted, if it be proved to the satisfaction of the court applied to for such license, that such warehouse is important as a matter of public convenience, and will not, by its competition with the licensed warehouses in its vicinity, tend to render the business of inspection of tobacco of so small profit as to endanger its discontinuance at that point, or negligence in the mode of conducting it; but in no case shall more houses be licensed at the same town, place of market, port or landing, in a greater proportion than that of one for every fifteen hundred hogsheads of the average amount of tobacco annually brought to such town, place of market, port or landing, for sale or exportation; which being read and considered by the Senate, said amendment was adopted.

Mr. Warner moved to amend the fifth section of said bill, by striking out that part conferring the power of appointing inspectors on the County court, and in lieu thereof authorise the Governor of the State to make the appointment of such inspectors.

Mr. Ledbetter moved to amend said bill, by adding to the end of the fifth section, the following: *Provided*, that the inspectors at the city of Nashville, shall be appointed and commissioned by the Governor of the State, for the same length of time, and under the same rules, regulations and restrictions, as other inspectors that may be appointed under this act; which amendment mr. Warner accepted in lieu of the amendment by him offered to said bill; and said amendment being read, was adopted.

Mr. Gardner moved to fill the blank in the fifth section, occurring after the words "shall continue in office for the term of," with the word "two;" which being considered by the Senate, said amendment was adopted.

Mr. Foster moved to amend said bill, by striking out of the fifth section, after the words "shall enter into bond before," the following words: "one of the justices of the peace for his."

Mr. Foster moved further to amend the 7th section of said bill, by

striking out after the words "such as the said," the word "justice," and insert in lieu thereof the word "court;" and further to amend said bill in the 3d line of the 7th section, after the words "enter into bond," by inserting the word "the," and to amend said section in the 3d line, by inserting after the word "court," the word "the;" which several amendments being read and considered by the Senate, were adopted.

Mr. Jennings moved to amend the 7th section of said bill, by inserting in the 9th line, after the words "brought to the warehouse," the words "or warehouses;" which being read, was adopted.

Mr. Foster moved to amend the 7th section of said bill, by striking out the following: "and the said justice shall immediately cause the said bond to be proved by the witnesses thereto, and shall transmit to the clerk's office of the County court within ten days thereafter, who shall record the same, and transmit it to the clerk of the Circuit court, who shall also enter it upon the records of his office;" which being read and considered, said amendment was adopted.

Mr. Gardner moved to amend the 7th section of said bill, by striking out of the 5th line, the words "five thousand;" which being considered by the Senate, said amendment was adopted.

Mr. Sevier moved to fill the blank in the fifth line of the 7th section of the bill, occasioned by the adoption of mr. Gardner's amendment, with the words "one thousand."

Mr. Foster moved the following in lieu of the amendment offered by mr. Sevier: "Said bond shall be from one thousand to ten thousand, at the discretion of the court taking the same;" which being read and considered by the Senate, said amendment was adopted.

Mr. Warner moved to amend the 8th section of said bill, by striking out after the words "be at liberty to withdraw it," the words "after paying the warehouse fees, and fees of inspection;" which being considered, said amendment was adopted.

Mr. Hardwicke moved to amend the 9th section of said bill, by striking out the word "bearer" in the last line of said section, and insert in lieu thereof the word "order;" which being read, said amendment was rejected.

Mr. Foster moved to amend said bill, by striking out the 12th section.

Mr. Gardner moved to amend the 12th section by adding thereto, that "it shall not be in force until the expiration of twelve months from its passage, and that the dimensions of the hogsheads prescribed in said section, shall be advertised at the door of each warehouse."

Mr. Warner moved to amend the amendment of mr. Gardner, by postponing the force and effect of said 12th section fifty years.

When mr. Gardner withdrew his amendment, by leave of the Senate.

Mr. Hardwicke moved to amend the 12th section of said bill, fixing the length of the stave of the hogshead at fifty-eight inches—the head diameter of the hogshead forty inches; which being considered by the Senate, said amendment was rejected.

The question then recurred upon the adoption of the amendment of

mr. Foster, by striking out the 12th section; which being considered by the Senate, said amendment was rejected.

Mr. Jennings moved to amend the 21st section of said bill, by adding thereto the following: "But the aggregate amount of such fees shall in no case exceed one dollar and fifty cents per hogshead, and liability for their payment shall be divided between the person offering the tobacco for inspection, and the person removing it from the warehouse, the first paying the charges of inspection and cooperage at the time when he receives his note or notes from the inspector, and the second for the charges of storage at the time when the tobacco is delivered to him for removal; which being read and considered, said amend ment was adopted.

Mr. Jennings also moved the further following amendment to said bill: After the words "in said warehouse," in the 5th line of the 5th section, insert the following: "and in any other warehouse or warehouses that may thereafter be licensed at the same port, town, landing or place of market." By inserting in the 3d line of the 6th section, after the words "inspector at ——— warehouse," the words "or warehouses, (as the case may be,) established for the public inspection of tobacco." By inserting in the 7th line of the 6th section, after the words "the said warehouse," the words "warehouses, (as the case may be.") By inserting in the 3d line of the 9th section, after the words "or shall be required," the words "not exceeding in number, however, the number of hogsheads inspected for such owner;" which several amendments being read and considered by the Senate, were adopted.

And said bill, as amended, was read a second time and passed.

On motion of mr. Jennings,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, JAN. 7, 1842.

The Senate took up and considered a bill to encourage domestic manufactures—being the order of the day.

On motion of mr. Reneau, said bill is made the special order of the day for Monday next, the 11th inst.

The Senate took up and considered a resolution from the House of Representatives, to amend the 4th section of the 10th article of the constitution of the State of Tennessee, so as to permit the State of Tennessee to divide the county of Perry; which resolution was read a third and last time, and the question, Shall said resolution be adopted? being had, was determined in the affirmative—ayes 18, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Hardwicke, Jennings, Johnson, Laughlin, maclin, miller, motley, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Frey, Gardner, Ledbetter, matthews, Ross, and Warner—6.

So said resolution was adopted upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Mr. Turney presented the petition of John Gibson, of the county of White, praying that a law may be passed, emancipating certain slaves, the property of said petitioner, under the provisions contained in said petition; which being read,

On motion of mr. Turney, said petition was referred to the committee on ways and means.

Mr. Ledbetter presented the petition of sundry citizens of the county of Cannon, praying that a law be passed allowing said county of Cannon to collect and apply the State taxes in said county for the next two years; which being read,

On motion of mr. Laughlin, said petition was ordered to be transmitted to the House of Representatives.

Mr. Turney introduced a bill to repeal an act entitled "an act to repeal all laws licensing tippling houses, and for other purposes;" which bill was read a first time and passed.

The Senate, on motion of mr. Johnson, took up and considered a resolution by him submitted on the 7th December, 1841, proposing to cede to the United States that portion of the State of Tennessee commonly called East Tennessee, to be erected into a separate State government, and for other purposes.

On motion of mr. Johnson, the further consideration of said resolution is made the special order of the day for Wednesday next.

The Senate took up and considered a bill from the House of Representatives, to amend the law in relation to the exemption of certain property from execution.

Which being read, mr. Nelson moved to amend said bill by adding to the second section the following:

And that the provisions of the act securing property to the heads of families shall be construed and taken to extend to and embrace the heads of each and every family of whatever vocation or calling.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Nelson moved to amend said bill, by adding thereto the following, to-wit:

Sec. 3. *Be it enacted*, That the provisions of this act shall only apply to debts contracted after its passage.

Which being read, said amendment was adopted.

Mr. Ross moved to amend said bill by adding thereto the following:

Be it enacted, That the act of assembly passed the —— day of —— 18— exempting a mule, horse, or yoke of oxen from execution, be so construed that the mule, horse, or yoke of oxen so exempt shall not be worth more than one hundred dollars.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Ledbetter moved that the vote of the Senate adopting the amendment offered by mr. Nelson, be re-considered, and the question thereon being had, was determined in the negative—ayes 7—nays 16.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Jennings, Ledbetter, motley, Warner, and Williams—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Johnson, Laughlin, maclin, matthews, miller, Nelson, Peyton, Reneau, Ross, Sevier, Waterhouse and mr. Speaker Turney—16.

So said motion to re-consider said vote adopting said amendment was rejected.

Said bill as amended was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 18, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, maclin, matthews, miller, Nelson, Peyton, Reneau, Ross, Sevier, Waterhouse and mr. Speaker Turney—18.

The negative voters were:

Messrs. Gardner, Ledbetter, motley, Warner, and Williams—5.

So said bill was passed as amended upon its third and last reading—was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House with the amendments made thereto, and ask a concurrence of the House therein.

A message from the House of Representatives by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a petition of sundry citizens of Jefferson county, praying a law to be passed granting a bounty on silk—which I am directed to transmit to the Senate.

The House of Representatives have adopted a resolution directory to our Senators in Congress, if there be any elected, and instructing of our Representatives to vote for a repeal of the Bankrupt law.

Also a resolution to amend the 4th section of the 10th article of the Constitution of the State of Tennessee—in which I am directed to ask the concurrence of the Senate.

The Speaker of the House of Representatives did this day sign an enrolled resolution directory to the different Internal Improvement Companies in this State in which the State is a stockholder.

And then he withdrew.

Whereupon the Speaker of the Senate ordered that said enrolled resolution be deposited in the office of the Secretary of State for the State of Tennessee.

The Senate took up and considered a bill from the House of Representatives to reduce the tax fees of Attorneys General in certain cases.

Which bill as amended was read a third and last time, and the question, Shall said bill pass? being had, was determined in the affirmative—ayes 21, nays 2.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Motley, Nelson, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—21.

The negative voters were:

Messrs. Ledbetter and Peyton—2.

So said bill as amended was read a third and last time, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a resolution from the House of Representatives to amend the 4th section of the 10th article of the Constitution of this State, so that the counties of Bledsoe and Marion shall come under the general provisions of the Constitution in forming new counties.

Which being read a third and last time, and the question, Shall said resolution be adopted? was had and determined in the affirmative——ayes 16, nays 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Miller, Peyton, Powell, Sevier, Waterhouse, Williams, and mr. Speaker Turney—16.

The negative voters were:

Messrs. Frey, Ledbetter, Nelson, Reneau, Ross,—5.

So said resolution was adopted upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to make compensation to Robert Tunnell, late Surveyor of the Hiwassee District.

Which bill was read a third and last time, and the question, Shall said bill pass?" was had and determined in the affirmative—ayes 20, nays 2.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, and mr. Speaker Turney—20.

The negative voters were:

Messrs. Frey and Nelson—2.

So said bill was passed upon its third and last reading, and ordered to be transmitted to the House of Representatives.

The Senate took up and considered a message from the House of Representatives, transmitting a bill to make legal all the official acts of James Rose, as Deputy Clerk of Shelby county, passed by the House of Representatives on its third and last reading, amended by the Senate, and passed as amended upon its third and last reading—in which amendment the House of Representatives non-concur.

Mr. Foster moved that the Senate do recede from its amendment to said bill.

Which being considered and the sense of the Senate thereon had, said motion prevailed.

Whereupon it is ordered that said bill be re-transmitted to the House of Representatives, and that the clerk acquaint the House that the Senate recede from its said amendment to said bill.

On motion of mr. Nelson,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to reform and amend the laws of the State of Tennessee, passed the 9th of Dec. 1829.

When, on motion of mr. Matthews, said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives to amend an act to re-enact and amend an act to establish a system of common schools in the State of Tennessee, passed Jan. 28, 1840.

Which being read a third and last time,

Mr. Ledbetter moved to amend said bill by adding at the end of the 6th section, the following:

Provided, that any children who may live inconvenient to a school house in Cannon county, may be sent to any school in any adjoining district in Rutherford county, who shall have the same benefit of the common school money as if sent to school in the district in which they reside.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved to amend the 1st section of said bill after the words "shall be commissioners respectively," by inserting the words "in manner and time as provided in the 10th section of this act."

Which being considered by the Senate, said amendment was adopted.

Mr. Ledbetter moved to amend said bill by striking out the 11th and 12th sections, as follows:

Sec. 11. *Be it enacted*, That all laws requiring a rate bill or other contributions to be made other than by this act, be repealed; and hereafter it may be lawful for the free voters of any common school district, or a majority of them, to meet at the school house in the school district, on the first Monday of July in every year, and organize themselves into a corporate body, choose a chairman, and a majority being present, shall have power to make by-laws regulating their school, lay taxes, appoint a collector to collect the same, who shall be authorized by a vote of the said corporation, and make all necessary orders and regulations for the common good of the school of such district, not inconsistent with the Constitution and laws of the State, and keep a regular record of their proceedings.

Sec. 12. *Be it enacted*, That the meetings as fixed in this act, on the

first Mondays in July, may be altered by the said corporation, so that they may after they are organised, meet upon their own adjournment: *Provided*, that nothing in this act shall make it obligatory upon the citizens of any district to organise according to the act, but the same is left to their free will and choice,

Which being read, mr. Warner moved to amend the 11th and 12th sections of said bill by adding the following: *Provided*, that no person or persons shall be subject to the provisons of the 11th and 12th sections of this act, unless he or she shall first give his or her or their consent in writing thereto,

Which being read, and the sense of the Senate thereon had, said amendment was rejected.

The question then recurred upon the adoption of the motion made by mr. Ledbetter, striking out the 11th and 12th sections of said bill, which being had was determined in the affirmative—ayes 19, noes 2.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Powell, Reneau, Ross, Warner, , Waterhouse and Williams—19.

The negative voters were:

Méssrs. Peyton and mr. Speaker Turney—2.

So said amendment was adopted by striking out the 11th and 12th sections of said bill.

Mr. Warner moved to amend said bill by adding thereto the following:

Be it enacted, That the children living on the south side of Duck river in Bedford county, west of a line commencing at Aquilla Jones', including the children residing on said Jones' place, including Samuel Sutton's plantations, thence to the county line—shall be at liberty to go to the nearest school house in Marshall county,

Which being read, and the sense of the Senate thereon had, said amendment was rejected,

And said bill as amended was read a third and last time.

The question then recurred upon the passage of said bill, which being had was determined in the affirmative—ayes 18, noes 4.

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Ross, Waterhouse and mr. Speaker Turney—18.

The negative voters were:

Messrs. Reneau, Nelson, Warner and Williams—4.

So said bill as amended was passed upon its third and last reading and ordered to be transmitted to the House of Representatives.

Mr. Hardwicke moved to re-consider the vote of the Senate had upon the passage of a bill from the House of Representatives to amend an act entitled an act to establish a system of common schools in the State of Tennessee, passed 28th January 1840, which motion prevailed.

Mr. Hardwicke moved to re consider the vote of the Senate respecting

the amendment offered by mr. Warner to said bill, by adding thereto section 13, which motion prevailed.

Mr. Warner moved to amend said bill by adding thereto section 13, being the same amendment previously offered by him, and which was rejected by a vote of the Senate,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Which bill as amended was read a third and last time and the question shall said bill pass, was had and determined in the affirmative—ayes 19, noes 3.

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—19.

The negative voters were:

Messrs. Nelson, Reneau and Williams—3.

So said bill as amended was passed upon its third and last reading, and ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the Senate's amendments to said bill, and ask a concurrence therein.

The Senate, on motion of mr. Nelson, took up and considered a resolution by him submitted on yesterday, to amend the 8th section of the 2d article of the constitution, to limit the duration of the session of the Legislature, in the greatest length of a session to ninety consecutive days.

Which being read a first time, and the question, Shall said resolution be adopted? being had, was determined in the affirmative—ayes 21, noes 1.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—21.

Mr. Ross voting in the negative.

So said resolution was adopted upon its first reading.

The Senate took up and considered a bill to regulate the price of public printing; which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the negative—ayes 4, noes 18.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Johnson, Powell and Williams—4.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Peyton, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—18.

So said bill was rejected upon its third and last reading.

The Senate, on motion of mr. Johnson, took up and considered a

message from the House of Representatives, transmitting the non-concurrence of the House to the amendment of the Senate made to a bill of the House to authorise the chancellors to appoint special terms for holding chancery courts; which being considered by the Senate, the Senate adheres to said amendment, and directs that an insisting message be transmitted to the House.

Ordered that the clerk acquaint the House of Representatives therewith.

On motion of mr. Turney,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 8, 1842.

The Comptroller of the Treasury heretofore at the present session of the General Assembly, made the following Report:

[See Appendix.]

Mr. Hardwicke, from the select committee to whom had been referred a resolution adopted by the Senate to take into consideration so much of the Governor's message as relates to the Bank of Tennessee, and also the report of the President of said bank made to the present General Assembly—Reports, that said committee have had the same under consideration, and had instructed him to report a bill to amend the charter of the Bank of Tennessee, and for other purposes, and to recommend its passage; which bill was read a first time and passed.

Mr. Gardner returned a bill from the House of Representatives, to carry into effect an act of Congress passed and approved the 18th day of February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line in this State, by him withdrawn for amendment, with the following amendments: whereupon mr. Gardner moved to amend said bill, by striking out of 9th line from the top of the 7th section, after the words "providing said bargain and sale," the words "or the legal possessor or," and to insert in lieu thereof the word "and;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Gardner moved further to amend said bill by striking out of the 6th and 7th lines of the 8th section, after the words "allowed them one year," the words "the opening of said land offices," and insert in lieu thereof the words "the passage of this act;" and pending the consideration of said amendment—on motion of mr. Gardner, the further consideration of said bill is made the special order of the day for Monday next.

On motion of mr. Gardner,

The Senate adjourned until Monday morning 9 o'clock.

MONDAY, JAN. 10, 1842.

Mr. Miller asked and obtained leave to withdraw for amendment, a bill from the House of Representatives to authorise and require the Entry Taker of the Ocoee District to refund money in certain cases.

Mr. Sevier presented the petition of Henderson Clark, sheriff of Dyer county, praying relief in relation to the taxes upon certain lands for the year 1838 and 1839; that a law be passed directing and requiring the Comptroller of the Treasury to allow him a credit for the same; which being read—on motion of mr. Sevier, said petition was laid on the table.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have adopted certain resolutions, directing the banks in this State to resume specie payments agreeably to the stipulations and rules laid down in and by said resolutions, which I am directed to transmit to the Senate, and ask a concurrence therein. And then he withdrew.

Mr. Powell, chairman of the select committee to whom was referred a resolution adopted by the Senate, to enquire into the expediency and propriety of so amending the law in relation to the appropriation of three hundred thousand dollars for the improvement of the navigation of the rivers in this State, issued, or authorised by law to be issued, to raise a fund for that purpose, be made to bear an interest of six per cent. per annum—Reports, that said committee have had the same under consideration, and have instructed him to report a bill to amend the rate of interest on the State bonds (known as the river bonds) to six per cent. per annum, and for other purposes, and with said report, to recommend the passage of said bill; which bill was read a first time and passed.

The Senate, on motion of mr. Gardner, took up the consideration of a bill from the House of Representatives, to carry into effect the act of Congress passed and approved the 18th day of February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line in this State; which the Senate by a rule had made the order of the day for this day.

Mr. Gardner then withdrew his amendment offered to said bill on the 8th instant, proposing to strike out of the 8th section, in the 6th and 7th lines, after the words "allowed them one year," the words "the opening of said land offices," and to insert in lieu thereof the words "the passage of this act."

Mr. *Matthews* moved to amend the 2d section of said bill; which he afterwards withdrew.

Mr. *Matthews* moved to amend the 7th section of said bill in the 7th line; which he afterwards withdrew.

Mr. Gardner moved to amend said bill by adding thereto the following, to-wit:

Sec. 28. *Be it enacted*, That all, and every person or persons, who at the passage of this act is an actual *bona fide* resident upon any vacant unappropriated land south and west of the Congressional reservation line, or who may become such within the further term of four years thereafter, shall be entitled to an occupant or pre-emption right in the same manner, and under the same rules and regulations, as other occupants heretofore provided for by law, and shall be protected in

their preference of entry as other occupant claimants provided for in this and former acts of the General Assembly of this State; which being read, and the question, Shall said amendment be adopted? being had, was determined in the affirmative—ayes 18, noes 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Ledbetter, Nelson and Ross—3.

So said amendment was adopted.

Mr. Gardner moved further to amend said bill, by adding thereto the following, to-wit:

Sec. 29. *Be it enacted*, That in all cases where the real or colorable owner of any small tract of land by deed, grant or entry may heretofore have had, or may hereafter have, an extension run out and attached to the same under the occupant laws of this State, which extension, at the time it was or shall be made, did or shall interfere with the land intended to be appropriated by any *bona fide* resident settler upon the adjoining vacant land, who was living on the same at the time such extension was made, or whether such pre-emptioner's claim had or had not been surveyed and represented by entry or plat in the office of the county Entry Taker, such extension shall not prevent such settler from having his claim surveyed as he originally contemplated, but he shall have the further time of two years in which to have such survey made and returned to the proper office; and in case any dispute shall arise between such claimants as to their conflicting preferences of entry, the same shall be settled in the manner herein provided for in other cases; which being read and considered by the Senate, and the question, Shall said amendment be adopted? being had, was determined in the affirmative—ayes 21, noes 2.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—21.

The negative voters were:

Messrs. Ledbetter and Nelson—2.

So said amendment was adopted.

Mr. Gardner moved further to amend said bill, by adding thereto the following:

Sec. 29. *Be it enacted*, That in case the real owner or owners of any land warrant or warrants, have heretofore made, or shall hereafter make a merely tolerable transfer, without a good consideration of all, or any part of such land warrant or warrants, to any other person or persons, with a view to enter the same, and attach an extension thereto, for the benefit of the real owner or owners of such warrant; under the occupant laws of this State, the real owner or owners, at the time

of such entry and extension, not having the right to make the same in his, her or their own name, the same shall be declared void, by any court in this State of competent jurisdiction, upon the application of any person interested, or who may hereafter become interested, in such vacant land, by occupant entry or otherwise, and the land shall be decreed to the subsequent enterer, *provided* he brings himself within the meaning, spirit and provisions of this or any former occupant law of this State; which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Gardner moved further to amend said bill by adding thereto the following, to-wit:

Sec. 30. *Be it enacted*, That hereafter it shall not be lawful for any of the surveyors south and west of the Congressional reservation line, to survey an extension to any small tract of land, held by deed, grant or entry, until the owner or claimant of such small tract shall have first made an affidavit in writing, before some justice of the peace in the county where the land lies, that he is the actual *bona fide* owner of said small tract of land, and is alone interested in the extension which he desires to make thereto. And any extension run out contrary to, or in violation of the provisions of this section, are hereby declared to be null and void to all intents and purposes; which being read, and the sense of the Senate thereon had, was adopted.

Mr. Matthews moved to amend the second section of said bill by inserting therein after the words "and remain open for," the word "occupant,"

Which being read, and the sense of the Senate thereon had, said amendment was rejected.

Mr. Matthews moved further to amend said bill by adding thereto the following, to wit:

Sec. 31. *Be it enacted*, That nothing in this act shall be so construed as to allow the division of land warrants into small entries, unless such division shall be for the benefit of the occupant entries,

Which being read, and considered of by the Senate, and the question shall said amendment be adopted, being had, was determined in the negative—ayes 5, noes 18.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson, Martin, Matthews, Miller and Waterhouse—5.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Nelson, Peyton, Powell, Reneau, Ross, Warner, Williams and mr. Speaker Turney—18.

So said amendment was rejected

And said bill as amended was read a third and last time and the question recurring on the passage of said bill was had, and determined in the affirmative—ayes 24, noes none.

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson,

Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—24.

The negative voters, none.

So said bill as amended was passed upon its third and last reading, and ordered to be transmitted to the House of Representatives,

Ordered that the clerk acquaint the House with the amendments made by the Senate to said bill, and ask a concurrence therein.

On motion of mr. Bradbury,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives by mr. Mitchell their Clerk:

Mr. SPEAKER: The Speaker of the House of Representatives did this day sign the following entitled resolutions, and the following entitled acts, to wit:

A resolution to amend the fourth section of the tenth article of the constitution of this State, so that the counties of Bledsoe and Marion shall come under the general provisions of the constitution in forming new counties.

A resolution dividing the county of Perry, making Tennessee river the county line.

"An act to make compensation to Robert Tunnell, late surveyor of the Hiwassee district—and then he withdrew.

Whereupon the Speaker of the Senate did sign said several enrolled resolutions, and enrolled act, and ordered that the same be transmitted to the House of Representatives for further action of the House thereupon to be had.

The Senate on motion of mr. Reneau took up and considered a bill to encourage domestic manufactures, when on motion of mr. Reneau, the further consideration of said bill is made the special order of the day for to-morrow.

The Senate on motion of mr. Ashe, took up and considered a bill to make provision for the Supreme court of errors and appeals,

Which being read, mr Warner moved to amend said bill by striking out the words "twenty-five hundred," and to insert in lieu thereof the words "two thousand,"

Which being read, and considered of by the Senate, and the question shall said amendment be adopted was had, and determined in the affirmative—ayes 18, noes 5.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Ashe, Foster, Jennings, Maclin and Ross—5.

So said amendment was adopted.

Mr. Martin moved to amend said bill by striking out after the words "compensation for their services," the word "two" and insert in lieu thereof the word "three," which amendment so offered, mr. Martin afterwards withdrew.

And said bill as amended was read a second time, and the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Ross, Warner, Williams, and mr. Speaker Turney—12.

The negative voters were:

Messrs. Bradbury, Frey, Gardner, Johnson, Matthews, Miller, Nelson, Peyton, Powell, Reneau and Waterhouse—11.

So said bill was passed upon its second reading.

Mr. Miller returned a bill from the House of Representatives to authorise the Entry taker of the Ocoee district to refund money in certain cases, by him withdrawn for amendment, without amendment; and on motion of mr. Miller, said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives, to amend the first section of the act of 1839-40, chapter exempting Registers from military duty,

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to amend an act to prevent frauds in entering and selling lands previously appropriated, passed 29th January 1840, chapter 128,

Which bill was read a second time and rejected.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to authorise David Smith to open a Turnpike road,

Which was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the laws in relation to appeals and writs of error,

Which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to extend the time for the return of executions issued by Justices of the peace, and for other purposes; mr. Foster moved to amend said bill by striking out the first section thereof, as follows:

Sec. 1. That on all judgments hereafter to be rendered by Justices of the peace in this State, the constable or any other legal officer in whose hands execution founded on such judgments shall be placed, shall have sixty days within which to return the same, and shall not be liable to a motion or other proceedings against him for a failure to return his execution, until the expiration of that length of time from its issuance, any law to the contrary notwithstanding.

Which being read, and the question, Shall said amendment be

adopted? was had and determined in the affirmative—ayes 13—nays 8.

The ayes and noes being demanded by mr. Ledbetter,

The affirmative voters were:

Messrs. Foster, Frey, Hardwicke, Johnson, Martin, Matthews, Nelson, Peyton, Powell, Ross, Warner, Waterhouse and Williams—13.

The negative voters were:

Messrs. Ashe, Bradbury, Jennings, Laughlin, Ledbetter, Maclin, Reneau, and mr. Speaker Turney—8.

So said amendment by striking out the first section of said bill was adopted.

Mr. Turney moved to amend said bill by adding thereto, the following, to-wit:

Sec. 6. *Be it enacted*, That hereafter all executions issued from judgments of justices of the peace shall be a lien upon the property of the defendants from the time of its issuance.

Which beiug read, mr. Turney asked and obtained leave to withdraw said amendment.

Mr. Peyton moved a re-consideration of the vote amending said bill by striking out the first section.

Mr. Turney moved to amend said bill by adding thereto the following, to-wit:

Sec. 6. *Be it enacted*, That in all cases where an execution issued by a justice of the peace shall be levied upon the property of the defendant, such levy shall be superior to the lien of any judgment in the courts of record, so that the first levy shall hold the property, without regard to the jurisdiction rendering the same.

Which being read, mr. Nelson moved to lay said amendment on the table, and the question thereon being had, was determined in the negative—ayes 10—noes 11.

The ayes and noes being demanded by mr. Turney,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Laughlin, Ledbetter, Matthews, Nelson, Peyton, and Ross—10.

The negative voters were:

Messrs. Hardwicke, Jennings, Johnson, Maclin, Martin, Powell, Reneau, Warner, Waterhouse, Williams, and mr. Speaker Turney—11.

So said motion to lay said amendment on the table was rejected.

Mr. Warner offered the following amendment to said bill in lieu of the second amendment thereto offered by mr. Turney, which amendment is as follows, to-wit:

Sec. 6. *Be it enacted*, That in all cases hereafter where an execution shall be issued on a *bona fide* judgment, and the same shall be levied on any property, the levy first made shall be first satisfied, whether said execution issued from a court of record or by a justice of the peace.

Which being read, mr. Turney accepts said amendment in lieu of his said second amendment offered to said bill, and the question recurring upon the adoption of said amendment being had, was determined in the affirmative—ayes 11—nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Johnson, Maclin, Martin, Matthews, Powell, Reneau, Warner, Waterhouse, Williams, and mr. Speaker Turney—11.

The negative voters were:

*M*essrs. Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Ledbétter, Nelson, Peyton and Ross—10.

So said amendment was adopted in lieu of the second amendment offered by mr. Turney to said bill.

Mr. Reneau moved a re-consideration of the vote of the Senate adopting the amendment offered by mr. Warner, in lieu of the second amendment offered by mr. Turney to said bill.

On motion of mr. Nelson,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, JAN. 11, 1842.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives has adopted a resolution proposing to adjourn the present session of the General Assembly *sine die* on the 24th January, 1842.

And then he withdrew.

Mr. Hardwicke in the chair, the Senate took up and considered the unfinished business of yesterday, being a bill from the House of Representatives to extend the time for the return of executions issued by justices of the peace, and for other purposes.

The question recurring upon the motion of mr. Peyton to re-consider the vote of the Senate of yesterday, amending said bill by striking out the first section of said bill, being considered, and the sense of the Senate thereon had, said motion prevailed, and said section so stricken out was thereupon reinstated in said bill.

Mr. Laughlin moved to amend the first section of said bill by adding thereto the following:

Provided, That in all cases where any sheriff or constable shall have collected money on any justice's execution, he shall forthwith be liable to be moved against by the plaintiff on refusal to pay it over in ten days after demand made.

Which being read and considered by the Senate, said amendment was adopted.

The question then recurred upon the motion of mr. Reneau to reconsider the vote of the Senate on yesterday, adopting the amendment offered by mr. Warner in lieu of the second amendment proposed by mr. Turney to said bill—which being considered, and the sense of the Senate thereon had, said motion to re-consider the adoption of said amendment was rejected.

Which bill as amended was read a second time, and the question recurring upon the passage of said bill—when mr. Turney moved to pass upon and consider said bill upon its second reading section by section.

Mr. Ross moved to postpone said bill indefinitely, and the question, Shall said bill be postponed indefinitely? being had, was determined in the affirmative—ayes 14—nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Powell, Ross, and Sevier—14.

The negative voters were:

*M*essrs. Ashe, Bradbury, Hardwicke, Laughlin, Maclin, Peyton, Reneau, Warner, Waterhouse, Williams, and mr. Speaker Turney—11.

So said bill was indefinitely postponed upon its second reading.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill.

The Senate, on motion of mr. Ledbetter, took up and considered a message from the House of Representatives transmitting a resolution adopted by the House, proposing that the General Assembly adjourn *sine die* on Monday, the 24th instant.

Which being read, mr. Jennings moved to amend said resolution by striking out "Monday the 24th instant," and insert in lieu thereof the words "first *M*onday of February next."

Mr. Martin moved to lay said message on the table, and the question thereon being had was determined in the affirmative—ayes 13—nays 12.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Gardner, Hardwicke, Jennings, Laughlin, *M*aclin, Martin, *M*atthews, *M*iller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—13.

The negative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Johnson, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said resolution was laid on the table.

*M*r. Waterhouse submitted the following:

Resolved, That hereafter the Senate shall hold night sessions, commencing at 6 o'clock and continuing until 9 o'clock.

Which being read, was laid on the table.

Mr. Ross introduced a bill to amend the laws regulating divorces.

Which bill was read a first time and passed.

*M*r. Frey in the chair,

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the amendments of the Senate to the bill from the House, to carry into effect an act of Congress, passed and approved the 18th day of February, 1841, authorizing the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the congressional reservation line in this State—which amendments of the Senate are severally concurred in by the House of Representatives, with amendments thereto herewith transmitted, and are as follows, to-

wit: 1st. at the end of the 25th section, *Provided*, that the citizens of the county of Perry and Hardin shall have the option of getting their grants either from the Register of Middle Tennessee or of the Register of the Western District. 2d, Insert the word "claims" after the word "occupant," at the end of the 11th line of the 26th section.

In which the House of Representatives ask the concurrence of the Senate.

And then he withdrew.

In which amendments of the House of Representatives the Senate concur.

Ordered that said concurrence be transmitted to the House of Representatives.

The Senate, on motion of mr. Nelson, took up and considered a resolution by him submitted on the 6th instant, proposing to amend the 8th section of the 2d article of the Constitution of the State of Tennessee to limit the duration of the sessions of the Legislature, by adding to the eighth section of the second article of the Constitution the words, "and may continue in session ninety consecutive days, and no longer."

Which being read a second time, and the question upon the adoption of said resolution being had, was determined in the affirmative —ayes 19, noes 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Matthews, *M*iller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, and mr. Speaker Turney—19.

The negative voters were:

Messrs. Maclin, *M*artin, Ross, and Williams—4.

So said resolution was adopted upon its second reading.

The Senate, on motion of mr. Powell, took up and considered a bill to increase the rate of interest on the State bonds (known as the River bonds) to six per centum per annum, and for other purposes.

Which bill was read a second time and passed.

Mr. Jennings introduced a bill to improve the condition of the Union Bank of Tennessee, and to reduce the debt of the State.

Which bill was read a first time and passed.

On motion of mr. Warner, leave is given him to withdraw sundry petitions from the Senatorial district by him represented, presented to this General Assembly in relation to the tippling act.

The Senate, on motion of mr. Reneau, took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House, proposing that the Senate meet the House of Representatives in their Hall on Thursday the 13th instant, at 11 o'clock, A. M., for the purpose of electing two Senators to the Congress of the United States—one for the term of six years from the 4th of March last, and the other to fill the vacancy occasioned by the death of the Hon. Felix Grundy, deceased—and a State Treasurer and Comptroller of the Treasury.

Which being read, and the question, Will the Senate concur in said resolution? being had, was determined in the negative—ayes 12—nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and mr. Speaker Turney—13.

So said resolution was non-concurred in.

Ordered that the clerk transmit said resolution to the House of Representatives and announce to the House that the Senate non-concur therein.

The Senate, on motion of mr. Turney, took up and considered a resolution by him submitted on the 3d instant, proposing to amend the 2d section of the 6th article of the Constitution of the State of Tennessee, that the Supreme Court may be held at one place in the Mountain District, in addition to the places now to be held.

Which resolution was read a second time, and the question, Shall said resolution be adopted? being had, was determined in the affirmative—ayes 14—nays 11.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Matthews, Powell, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—14.

The negative voters were:

*M*essrs. Ashe, Foster, Frey, Ledbetter, *M*artin, Miller, Motley, Nelson, Peyton, Sevier, and Williams—11.

So said resolution was adopted on its second reading.

The Senate, on motion of mr. Reneau, took up and considered a bill to encourage domestic manufactures—which bill, by a rule of the Senate was made a special order of the day for this day—which bill as amended, was read a third and last time, when mr. Waterhouse asked and obtained leave to withdraw said bill for amendment, which he afterwards declined withdrawing.

The question then recurred upon the passage of said bill, which being had, was determined in the affirmative—ayes 14—nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Motley, Ross, Warner, and Waterhouse—10.

So said bill was passed as amended upon its third and last reading—

was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Foster, took up and considered a bill for the relief of the Nashville, *M*urfreesborough and Shelbyville Turnpike Company.

Which bill was read a second time, when mr. *M*iller moved to amend said bill by adding thereto the following, to-wit:

Sec. 4. *Be it enacted*, That three hundred thousand dollars of bonds be issued to the Hiwassee Rail Road, in addition to the sums heretofore appropriated.

Which being read, on motion of mr. Ledbetter, said bill, with the proposed amendment, was laid on the table.

The Senate, on motion of mr. Laughlin, took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House requiring the Banks within the State of Tennessee to resume specie payments on or before the first day of July next, and for other purposes.

Which being read, mr. Turney moved to amend the 4th resolution to words "first of July," where the same occurs in said resolution, and insert in lieu thereof, "first of December," and demanded the ayes and nays upon the adoption of said amendment—and pending the consideration thereof,

Mr. Foster moved that the Senate adjourn until to-morrow morning, 9 o'clock.

Mr. Warner moved that the Senate adjourn until 6 o'clock this evening.

Mr. Foster's motion prevailing,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JAN. 12, 1842.

*M*r. Maclin presented the petition of sundry citizens of Fayette and Shelby counties, praying that a new county be created, to be taken from the counties of Fayette and Shelby,

Which being read, was on motion of mr. Maclin referred to the committee of New counties and county lines.

Mr. Peyton, chairman of the committee on New counties and county lines, to whom had been referred a bill to alter and make certain the lines between Wilson, Cannon and DeKalb counties—Reports, that said committee have had the same under consideration, and think its provisions proper and reasonable, that said committee had instructed him to report said bill and to recommend its passage,

Which bill was read a second time and passed.

Mr. Hardwicke submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall on the —— instant, to elect a Comptroller and Treasurer, for the next two years for this State,

Which being read, was laid on the table.

The Senate took up and considered a bill to amend the laws regulating divorces,

Which bill was read a second time and passed.

The Senate on motion of mr. Nelson, took up and considered a bill to regulate the fees of Attorneys General in certain cases,

Which bill was read a second time and passed.

Mr. Williams introduced a bill to amend the charter of Piles' Turnpike,

Which bill was read a first time and passed.

Mr. Maclin introduced a bill to amend the act of 1835, chapter 11, section 1, providing for the appointment of Notarys public,

Which bill was read a first time and passed.

The Senate on motion of mr. Waterhouse, took up and considered a bill to establish a branch of the Bank of Tennessee at Chattanooga, in the county of Hamilton,

Which was read a third and last time, and the question shall said bill pass was had and determined in the negative—ayes 11, noes 13.

The affirmative voters were:

Messrs. Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Powell, Reneau and Waterhouse—11.

The negative voters were:

Messrs. Ashe, Frey, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Ross, Sevier, Williams and mr. Speaker Turney—13.

So said bill was rejected on its third and last reading.

Mr. Hardwicke in the chair, the Senate took up and considered a bill for the amendment of the criminal law and for other purposes,

Which bill was read a second time, when mr. Gardner moved to amend said bill, by striking out after the words "proceedings of said court" in the 10th line of the first section the following "and to advise in reference to all the entries which may be required to be made during the term,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Gardner moved further to amend said bill by striking out the 8th section as follows:

Sec. 8. *Be it enacted*, That in all State cases the Supreme court where the defendant in the Circuit court has been duly convicted on the facts by a Jury, no objection to the caption shall be regarded as a just cause of reversal in the Supreme court, unless such objection shall have been brought to the consideration of the Circuit Judge, by plea, motion or otherwise,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a second time and passed.

Mr. Turney moved a re-consideration of the vote of the Senate, rejecting a bill to establish a branch of the Bank of Tennessee, at Chattanooga, in Hamilton county.

Mr. Ledbetter moved the re-consideration of the vote of the Senate of yesterday, indefinitely postponing a bill from the House of Representa-

tives to extend the time for the retu rn of executions, issued by Justices of the peace, and for other purposes.

The Sena te on motion of mr. Nelson, took np and considered a motion made to re-consider the vote of the Senate rejecting a bill to prescribe the mode of electing Senators in Congress, rejected on its second reading on the 16th December last; and the question will the Senate re-consider the vote rejecting said bill, was had and determined in the negative—ayes 12, noes 12.

The ayes and nays being demanded by mr. Nelson,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—12.

So said motion to re-consider the vote of the Senate rejecting said bill was rejected.

On motion of mr. Gardner, the committee on the Judiciary from the further consideration of a bill to amend the act of 1835, chapter 15, are discharged.

The Senate on motion of mr. Gardner, took up and considered a bill to amend the act of 1835, chapter 15.

Which bill as amended was read a third time, when mr. Turney offered the following amendment in lieu of the whole bill after the enacting clause, to wit:

That in all cases hereafter, where land shall be sold for the taxes, due thereon, according to the provisions of the act of 1835, chapter 15, such sale shall be good and effectual to pass the title thereof to the purchaser, *Provided*, in the sale and other proceedings, the provisions of the said act shall have been substantially complied with.

Sec. 2. *Be it enacted*, That it shall not hereafter be lawful for any original owner or claimant of any land which may have been sold for the taxes, or any person holding under him, to commence and prosecute any suit, either in law or equity, in any of the courts of this State, for the recovery of any land sold as aforesaid, unless he shall first pay or tender to the purchaser or purchasers of such land, the full amount of tax, costs, charges, and also the charges of procuring a deed therefor, with twenty per cent. interest thereon from the day of sale, and the purchaser shall have a lien for the same upon the land, notwithstanding any defect or informality in the sale; which being read, mr. Foster moved to amend said amendment by adding thereto the following: "*Provided*, the tax for which said land was condemned and sold was legally due and assessed;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved the further amendment thereto as follows: "*Provided*, *femes covert* and minors, and insane persons, may have three years wherein to redeem said land from the purchaser or his assignee,

upon the tax with twenty per cent. thereon;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved a re-consideration of the vote adopting the second amendment, to the amendment offered by mr. Turney; which motion to re-consider mr. Foster afterwards withdrew.

The question then recurred upon the adoption of the amendment offered by mr. Turney as amended; which being read, was determined in the negative—ayes 11, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—11.

The negative voters were:

Messrs. Ashe, Bradbury, Johnson, Ledbetter, Maclin, Martin, Matthews, *M*iller, *M*otley, Peyton, Ross, Warner and Waterhouse—13.

So said amendment was rejected.

And said bill, as amended, was read a third and last time, and the question, Shall said bill pass? was had and determined in the negative—ayes 4, noes 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, maclin and Sevier—4.

The negative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Ledbetter, *M*artin, matthews, miller, motley, Nelson, Powell, Reneau, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—19.

So said bill, as amended, was rejected upon its third and last reading.

The Senate, on motion of mr. Turney, took up the unfinished business of yesterday, being a message from the House of Representatives, transmitting certain resolutions adopted by the House, requiring the banks within the State of Tennessee to resume specie payments on the first of July next, and for other purposes.

Mr. Turney moved to lay said resolutions on the table.

Mr. Turney withdrew his motion to lay said resolutions on the table.

Mr. Warner moved a concurrence in said resolutions.

Mr. Turney then renewed the motion by him made on yesterday to amend the 4th resolution, by striking out the words "July, 1842," wherever the same occur in said resolution, and insert in lieu thereof "December, 1842."

Mr. Turney then moved to lay said resolutions on the table until the first day of December, 1842.

Mr. Powell moved that the Senate do adjourn until 2 o'clock, P. M., and the question thereupon being had, was determined in the negative—ayes 6, noes 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Hardwicke, maclin, *M*artin, Powell and Williams—6.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Laugh-

lin, Ledbetter, Matthews, Miller, Motley, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—19.

So said motion to adjourn was rejected.

The question then recurred upon the motion of mr. Turney to lay said resolutions on the table until the 1st day of December next, which being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Reneau, Sevier and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross, Warner, Waterhouse and Williams —13.

So said motion to lay said resolutions on the table until the 1st day of December next, was rejected.

Mr. Maclin moved to amend the third resolution, by adding thereto the following, to-wit:

Provided, That nothing herein contained shall be so construed as to make it the duty of the solicitor of the 11th solicitorial district to apply for a *scire facias* against the Farmers' and Merchants' Bank of Memphis, until the Attorney General for the State shall have first obtained a *scire facias* against the Union Bank of Tennessee, and the Planters' Bank of Tennessee; which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Williams moved to amend the fifth and last resolution, by inserting therein after the words "Bank of Memphis," the words "or either of them;" which being read and considered by the Senate, said amendment was adopted.

On motion of mr. Bradbury,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of mr. Waterhouse, took up and considered a resolution by him submitted on yesterday, proposing that the Senate hold night sessions, by sitting from 6 o'clock until 9 o'clock in the evening.

Which being read, mr. Ledbetter moved to amend said resolution, by adding thereto the following, to-wit:

Resolved further, That the two Houses of the General Assemby will adjourn *sine die* on Monday, the 24th inst.

Which being read, mr. Waterhouse moved to lay said amendment on the table.

Mr. Nelson moved to lay said resolution and amendment on the table, and the question thereon being had, was determined in the affirmative—ayes 13—nays 10.

The ayes and noes being demanded by mr. Waterhouse,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Maclin, Martin, Matthews, Miller,

motley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Powell, Ross, Waterhouse, and Williams—10.

So said motion to lay said resolution and amendment on the table prevailed.

Mr. Hardwicke in the chair, the Senate resumed the unfinished business of the morning, being the consideration of the message from the House of Representatives, transmitting sundry resolutions adopted by the House, requiring the Banks within the State of Tennessee to resume specie payments on the first day of July next, and asking the concurrence of the Senate therein.

When mr. Foster offered an amendment to the fourth resolution, in lieu of the amendment offered by mr. Turney, as follows:

After the words "before the first day of," strike out the word "July" and insert "January," after the words "in the year," strike out the figures "1842" and insert in lieu thereof the figures "1843," and the following words: "but if the Banks of Louisiana and Kentucky shall resume specie payments before the first day of January, 1843, then the several Banks in this State shall resume within twenty days from the time of resumption by the said Banks of Kentucky and Louisiana.

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 13—nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Martin, *Miller*, Motley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Warner, Waterhouse, and Williams—12.

So said amendment was adopted.

Mr. Foster moved further to amend the 4th resolution by striking out of the eighth line the word "July" and to insert in lieu thereof the word "January," and by striking out of the ninth line the figures "1842" and insert in lieu thereof the figures "1843,"

Which being read, and the question shall said amendment be adopted being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Martin, Miller, *Motley*, Nelson, Peyton, Reneau, Sevier and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Warner, Waterhouse and Williams—12.

So said amendment was adopted.

Mr. Williams moved to amend the 5th and last resolution by inserting

therein after the words "Planters' Bank of Tennessee," the words "or either of them," and to strike out the words "Farmers' and Merchants' Bank of Memphis,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Johnson moved to amend said resolutions by prefixing thereto the following caption, "a resolution to authorise the Banks to swindle the people,"

Which being read, and the question shall said amendment be adopted, being had, was determined in the negative—ayes 2, noes 21.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson and Nelson—2.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Peyton, Reneau, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—21.

So said amendment was rejected.

Mr. Williams moved to lay said resolution on the table—and the question thereon being had, was determined in the affirmative—ayes 13—nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Powell, Ross, Warner, Waterhouse, and Williams —13.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Martin, Miller, Motley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—12.

So said motion so lay said resolution on the table prevailed.

Mr. Speaker Turney presented a communication from the President of the Bank of Tennessee, with accompanying documents—which was laid on the table.

On motion of mr. Ledbetter,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, JAN. 13, 1842.

Mr. Waterhouse presented the petition of sundry citizens of Hamilton county, praying that a law may be passed to authorize the President, Directors and Company of the Planters' Bank of Tennessee to establish a branch of said Bank at Chattanooga, by the removal of a branch of said Bank from Athens to Chattanooga.

Which being read, was, on motion of mr. Waterhouse, laid on the table.

Mr. Warner, chairman of the committee on Claims, to whom had been referred the petition of the securities (and sundry citizens of Greene county,) of M. G. Fellows, late sheriff of Greene county, praying relief from the payment of a judgment obtained against said

sheriff and his securities for taxes of the year 1838, reports that said committee have had the same under consideration, and think said petition unreasonable and should not be granted—that said committee had directed him to report said petition and to recommend its rejection.

Whereupon, on motion of mr. Johnson, said petition was laid on the table.

Mr. Warner, chairman of the committee on Claims, to whom was referred a bill for the benefit of Joseph Burnett, of Marion county, reports that said committee have had the same under consideration, and think its provisions improper and should not be allowed—that said committee had instructed him to report said bill and to recommend its rejection.

Which report being read, the Senate concur therein.

And said bill being read a second time, was rejected.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill.

Mr. Warner, chairman of the committee on Claims, to whom had been referred the petition of John Bell, sheriff of Coffee county, praying compensation for moneys by him expended in the arrest of James Sartain, charged with the crime of murder, who had escaped from confinement in jail, reports that said committee had had the same under consideration, and deem its provisions and the prayer reasonable and should be allowed—that said committee have directed him to report a bill and to recommend its passage.

Whereupon the chairman of said committee reports a bill for the relief of John Bell, sheriff of Coffee county.

Which bill was read a first time and passed.

Mr. Warner, chairman of the committee on Claims, to whom had been referred the petition of A. L. Crossman and George W. Hoover, praying to be indemnified for services rendered and moneys expended in arresting, in the republic of Texas and conveying to the State of Tennessee, a certain Zebediah Payne, charged with the murder of William Coltart, under the Proclamation of the Governor of the State of Tennessee, reports that said committee have had the same under consideration—that the committee being divided in opinion in relation to the propriety of granting the prayer in said petition—that at the request of said committee the following bill is here reported, and the attention of the Senate respectfully directed to the provisions of said bill:

A bill for the relief of A. L. Crossman and George W. Hoover.

Which bill was read a first time and passed.

The Senate, on motion of mr. *Maclin*, took up and considered a bill to amend the act of 1835, chapter 11, section 1, providing for the appointment of Notaries Public.

Which bill was read a first time and passed.

The Senate, on motion of mr. Laughlin, took up and considered a bill to alter and make certain the line between Wilson, Cannon and DeKalb counties.

Which was read a third time,

When mr. *M*otley moved to amend said bill by adding thereto the following, to-wit:

Provided, said alteration of the foregoing lines shall not reduce the county of Wilson below the constitutional limits in regard to territory.

Which being read, and the sense of the Senate thereon being had, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill as amended was read a third and last time and passed—was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Hardwicke in the chair, the Senate, on motion of mr. Ross, took up and considered a bill to amend the laws regulating divorces.

Which bill was read a third time,

When mr. Turney moved to amend said bill by adding thereto the following, to-wit:

Sec. 3. *Be it enacted*, That the act of 1831, chapter 20, be and the same is hereby revived, and causes for divorces shall be laid at the first term after service of subpœna upon the defendant or publication made.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative—ayes 21—nays 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, *M*artin, *M*iller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, Williams, and mr. Speakker Turney—21.

The negative voters were:

Messrs. Ashe, Gardner, and Matthews—3.

So said bill as amended was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Ledbetter submitted the following amendment to a resolution by him submitted, proposing to withdraw and discontinue all the Branch Banks of the Bank of Tennessee, except one in East Tennessee and one in the Western District, and read in the Senate on the 11th November, 1841—which amendment is as follows, to-wit:

Whereas the fund set apart by the Constitution of the State of Tennessee for the establishment and support of common schools is vested in the Bank of Tennessee, and the faith of the State is pledged for its safe keeping, and the payment annually of the appropriation made by the act passed the 19th January, 1838—And whereas branches to a moneyed institution necessarily increase the expense of the management of such institutions, the risk from insolvencies and other causes,

and should there be a deficiency at any time to meet the appropria tions made by said act, such deficiency must be supplied by taxation on the people—Therefore,

Resolved by the General Assembly, That the committee on Banks be instructed to report a bill to discontinue the several branches of said Bank from and after the first day of January, 1843, except one for East Tennessee and one for the Western District.

Mr. Foster moved to lay said resolution and amendment on the table, and the question thereupon being had, was determined in the negative—ayes 11—nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, martin, matthews, miller, Powell, Reneau, Ross, and Sevier—11.

The negative voters were:

Messrs. Ashe, Bradbury, Gardner, Johnson, Ledbetter, maclin, motley, Nelson, Peyton, Waterhouse, Warner, Williams, and mr. Speaker Turney—13.

So said motion to lay said resolution and amendment on the table, was rejected.

Mr. Jennings moved the indefinite postponement of said resolution and amendment, and the question thereupon being had, was determined in the affirmative—ayes 14—nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Jennings, maclin, martin, matthews, miller, Powell, Reneau, Ross, Sevier, Warner, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Johnson, Ledbetter, Motley, Nelson, Peyton, Waterhouse, and Williams—10.

So said resolution and amendment thereto was indefinitely postponed.

Mr. Martin introduced a bill to amend the act of 1837-8, incorporating Union Seminary, in Maury county,

Which bill was read a first time and passed.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the several amendments of the Senate to the bill from the House of Representatives to amend an act, to re-enact, and amend an act to establish a system of common schools in the State of Tennessee, passed January 28th, 1840, and for other purposes, the several amendments to the first section of the bill, and also their amendment constituting the tenth section of the bill, are severally concurred in by the House.

The House have amended the Senate's amendment constituting a proviso to the sixth section, and concur in said amendment as amended. The remaining amendments of the Senate to said bill, are severally concurred in by the House of Representatives—and then he withdrew.

The Senate on motion of mr. Powell, took up and considered a bill to increase the rate of interest on the State bonds, known as the river bonds, to six per centum per annum, and for other purposes,

Which bill being read a third time, when mr. Powell moved to amend said bill by adding thereto the following section, to wit :

Sec. 4. *Be it enacted*, That James J. Tipton, of the county of Carter, be and he is hereby appointed one of the board of commissioners for the improvement of the navigation of the rivers East of Knoxville, to fill the vacancy occasioned by the resignation of William Gott,

Which being read, and the sense of the Senate being thereon had said amendment was adopted.

Mr. Warner moved to amend said bill by adding thereto the following section, to wit :

Sec. 5. *Be it enacted*, That the one hundred thousand dollars of bonds set apart for the improvement of the rivers in Middle Tennessee, be, and it is hereby made the duty of the Governor of the State, to cancel and burn the same,

Which being read, Mr. Turney moved to amend the amendment offered by mr. Martin, by adding thereto the following, "except the sum of ten thousand dollars appropriated to Fentress county, which has already been expended."

Which being read, mr. Turney gave way to a motion made by mr. Ashe to adjourn.

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate on motion of mr. Hardwicke, took up and considered a resolution by him submitted on yesterday, proposing that the Senate meet the House of Representatives in convention in their Hall on the —— day of January 1842, for the purpose of electing a Treasurer of the State and Comptroller of the Treasury.

Which being read, mr. Hardwicke moved to fill the blank therein with Wednesday 19th, which being considered by the Senate, said amendment was adopted, and said resolution as amended was read and adopted.

Ordered, that the clerk acquaint the House of Representatives therewith and ask a concurrence therein.

Mr. Frey in the chair, on motion of mr. Warner, the Senate took up and considered a message from the House of Representatives, transmitting a bill from the House of Representatives, to amend an act entitled an act, to re-enact and amend an act, to establish a system of common schools in the State of Tennessee, passed January 28th, 1840,

Which being read, the Senate on motion of mr. Foster, recedes from their amendment made to the first section of said bill—the Senate also recedes from an amendment made to said bill, adopting the 10th section.

The Senate concurs in the amendment of the House of Representatives to the Senate's amendment, adding a proviso to the sixth section of said bill.

Ordered that the clerk re-transmit said bill to the House of Represen-

tatives and announce to the House, that the Senate recedes from their amendment to said bill, non-concurred in by the House, and concurs in the House's amendment, to the amendment of the sixth section of said bill by the Senate, in adding a proviso thereto.

The Senate on motion of mr. Powell took up the unfinished business of the morning, being a bill to increase the rate of interest on the State bonds, known as the river bonds, to six per centum per annum, and for other purpases.

Mr. Nelson moved to lay the amendment offered by mr. Turney, to the amendment offered by mr. Warner to said bill, on the table, which mr. Nelson afterwards withdrew.

Mr. Warner moved the indefinite postponement of said bill and amendents thereto.

And the question thereon being had was determined in the negative—ayes 9—noes 15.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Hardwicke, Jennings, Ledbetter, Matthews, Motley, Peyton, Ross and Warner—9.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speake Turney—15.

So said motion to postpone said bill indefinitely was rejected.

Mr. Ashe moved to lay the amendment offered by mr. Turney, to the amendment proposed by mr. Warner, on the table, and the question thereon being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Hardwicke, Jennings, Ledbetter, Maclin, Martin, Matthews, Motley, Nelson, Peyton and Warner—13.

The negative voters were:

Messrs Foster, Gardner, Johnson, Laughlin, Miller, Powell, Reneau, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—12.

So the motion to lay the amendment offered by mr. Turney on the table prevailed.

Mr. Sevier moved to lay the amendment offered by mr. Warner, to said bill, on the table, and the question thereupon being had, was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Jennings, Johnson, Maclin, Miller, Motley, Nelson, Powell, Reneau, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Frey, Gardner, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Peyton, Ross, Warner and Waterhouse—11.

So said motion, to lay said amendment on the table, prevailed.

Mr. Gardner moved to amend said bill by adding at the end of the second section the following: and *Provided*, that should only a part of said

bonds be sold and the proceeds thereof deposited, as the respective boards of commissioners shall only draw their proportions of the same so deposited,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Miller offered the following amendment to said bill:

Sec. 5. *Be it enacted*, That in case of the death, resignation, or removal of any of the commissioners for the Hiwassee and Ocoee rivers, appointed by the 3d section of the act of the 26th January 1838, entitled an act to appropriate money for the improvement of rivers in East Tennessee, then, in that case, the county Court of Bradley may appoint a proper person to fill such vacancy or vacancies,

Which being read, and considered of by the Senate, said amendment was adopted.

Mr. Laughlin moved to amend said bill by adding thereto the following:

Sec. 6. *Be it enacted*, That the bonds proposed to be issued by this act, shall not be negotiated or sold, or retained by the Bank of Tennessee at a greater discount than fifteen per cent. on the nominal value thereof.

Which being read, mr. *Martin* moved the previous question—and the question, Shall the main question be now put? was had and determined in the negative.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Jennings, *Martin*, miller, Nelson, Peyton, Reneau and mr. Speaker Turney—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Ross, Sevier, Warner, Waterhouse and Williams—9.

So said call for the previous question was not sustained.

The question then recurred upon the adoption of the amendment offered by mr. Gardner, in lieu of the amendment offered by mr. Gardner in lieu of the amendment offered by mr. Laughlin to said bill, which being had, was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Maclin, *Miller*, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—11.

The negative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, *Motley*, Peyton, Ross, Warner and Waterhouse—14.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by mr. Laughlin to said bill, when mr. Powell moved to amend the amendment offered by mr. Laughlin, as follows: "*Provided*, that no internal improvement company in this State, to which State bonds may hereafter be issued, shall be at liberty to negotiate said bonds at less than their nominal or par value;" which amendment mr. Powell afterwards withdrew.

The question upon the adoption of the amendment offered by mr. Laughlin to said bill being had, was determined in the affirmative—ayes 13—noes 12.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, *M*atthews, Motley, Peyton, Ross, Warner and Waterhouse—13.

The negative voters were:

*M*essrs. Ashe, Bradbury, Foster, Gardner, *M*aclin, *M*iller, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—12.

So said amendment was adopted.

Mr. Reneau moved to lay said bill on the table, and thereupon the question was had and determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Gardner, miller, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—12.

The negative voters were:

Messrs. Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, martin, matthews, motley, Peyton, Ross and Warner—13.

So said motion to lay said bill on the table was rejected.

Mr. Ross moved that said bill be laid on the table, and be made the special order of the day for Wednesday next; which motion prevailed.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act to carry into effect an act of Congress passed and approved the 18th day of February, 1841, authorising the State of Tennessee to perfect titles to the vacant and unappropriated lands south and west of the Congressional reservation line in this State.

The House of Representatives has read a third and last time and passed a bill to establish the county of Macon; which was ordered to be engrossed and transmitted to the Senate—in which I am directed to ask the concurrence of the Senate. And then he withdrew.

Whereupon, the Speaker of the Senate did sign said enrolled act, and ordered that the same be re-transmitted to the House of Representatives, for the further action of the House thereon to be had.

*M*r. Foster moved that the Senate adjourn until to-morrow morning 9 o'clock; and thereupon the question was had and determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Martin, Miller, Motley, Nelson, Peyton, Reneau and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Sevier, Warner, Waterhouse and Williams—13.

So said motion to adjourn was rejected.

The Senate, on motion of mr. Laughlin, took up the further consideration of a message from the House of Representatives, transmitting a resolution adopted by the House of Representatives, requiring the banks within the State of Tennessee to resume specie payments, and for other purposes; when

Mr. Williams submitted the following resolutions in lieu of the resolutions adopted by the House of Representatives, requiring the banks to resume specie payments, as amended by the Senate, in the following words, to-wit:

1. *Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Union Bank of Tennessee and its branches, the Planters' Bank of Tennessee and its branches, the Farmers' and Merchants' Bank of Memphis, and the Bank of Tennessee and its branches, be, and they are hereby directed and required to resume in good faith, on or before the first day of August next, agreeably to the provisions of their respective charters, the payment in specie of all their liabilities, whenever the same shall be presented: *Provided*, the Bank of Tennessee shall not resume unless the said Union and Planters' Bank shall also resume.

2. *Resolved*, That if the said Union Bank and branches, Planters' Bank and branches, Farmers' and Merchants' Bank of *Memphis*, and Bank of Tennessee, or either of them, shall fail to comply in good faith with the provisions of the first resolution, that the Governor of the State be, and he is hereby requested, if in his opinion a called session of the Legislature shall be necessary for the purpose of apportioning the Congressional districts; to issue his proclamation, setting forth the fact that said bank or banks have failed to comply with the provisions of these resolutions, and make it a part of the duty of the called session to adopt such measures in relation thereto as in their judgment may be deemed expedient.

3. *Resolved*, That the Secretary of State be, and he is hereby directed to furnish the President and Directors of the Union Bank of Tennessee, Planters' Bank of Tennessee, Farmers' and Merchants' Bank of Memphis, and Bank of Tennessee, with a copy of the foregoing resolutions.

Which being read, on motion of mr. Foster, said resolutions are made the special order of the day for Wednesday next.

Mr. Laughlin asked and obtained leave of absence until Monday next.

On motion of mr. Martin,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, JAN. 14, 1842.

Mr. Nelson presented the petition of John Cunningham, a citizen of the county of Knox, praying that a law may be passed allowing him to hawk and peddle without a license; which was read, and on motion of mr. Nelson, ordered to be transmitted to the House of Representatives.

Mr. Turney introduced a bill to establish the line between the counties of Overton and Jackson; which bill was read a first time and passed.

Mr. Waterhouse introduced a bill to authorise the Planters' Bank to discontinue its branch at Athens, and establish it at Chattanooga, and for other purposes; which bill was read a first time and passed.

The Senate took up and considered a bill to remit to Johnson county the State tax for 1842–3.

Which being read, on motion of mr. Powell, said bill was laid on the table.

The Senate took up and considered a bill to amend the act of 1835, chap. 11, sec. 1, providing for the appointment of notaries public; which bill was read a third and last time, and the question, Shall said bill pass? being had, was determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to regulate the fees of attorneys general in certain cases; which bill was read a third and last time, and the question, Shall said bill pass? being had, was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, *Martin*, Nelson, Peyton, Reneau, Ross, Warner, Waterhouse and Williams—13.

The negative voters were:

Messrs. Bradbury, Gardner, Johnson, Ledbetter, Maclin, Matthews, Miller, Powell, Sevier and mr. Speaker Turney—10.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Peyton, took up and considered a bill from the House of Representatives to establish the county of Macon; which was read a first time and passed.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution directory to the Comptroller of the Treasury, relating to delinquent clerks and sheriffs in the 14th judicial circuit, and reported to the Attorney General, which I am directed to transmit to the Senate, and ask a concurrence therein. And then he withdrew.

Mr. Maclin, chairman of the committee to whom had been referred a bill from the House of Representatives, relating to the adjudication of land warrants—Reports, that said committee have had the same under consideration, and that said committee had instructed him to report said bill with an amendment, striking out the 4th section thereof, as follows:

Sec. 4. *Be it enacted*, That when any person or persons may have filed any land warrant, in any of the land offices in this State, and entered any part of the same, that it may be lawful for the owner or owners of any such land warrant or warrants to file the same with the

Register in whose district any part of the same may be entered, and it shall be the duty of the Register as aforesaid to issue grants on so much as may be entered or appropriated to the proper owner or owners thereof, and it shall be the duty of any of the Registers of this State, if required by the owner or owners, or the legal representatives, to issue a certificate for the balance of any such warrant or warrants, subject to be entered in any of the land offices south and west of the Congressional reservation line, or may present the same to the Comptroller of the State, whose duty it shall be to pay to the holder or holders of the same, twelve and a half cents per acre for each acre contained in said certificate or certificates, and the Comptroller shall draw on the Treasurer for the same; and any of the Registers as aforesaid may demand and receive from the person applying for such certificate, fifty cents each, for issuing the same; and with said amendment, to recommend the passage of said bill.

Which report being read, mr. Gardner moved to amend the first section of said bill; by striking out of the seventh line, after the words "all certificates of interference," the words "or deficiency of boundary." Strike out of the tenth and eleventh lines —— section of said bill, after the words "supposed to be in the State," the words "all claims lost for want of identifying the beginning corner;" which being read and considered by the Senate, said amendments were a 'opted.

Mr. Matthews moved to amend said bill, by striking out of the fifth line of the second section, after the words "shall be less than," the word "two," and insert in lieu thereof the word "five."

Which being read, mr. Ledbetter moved to lay said amendment on the table, and the question thereupon being had, was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by mr. *Matthews*,

The affirmative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Ledbetter, motley, Nelson. Peyton, Ross, Warner, Williams and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Bradbury, Gardner, Johnson, maclin, martin, matthews, miller, Powell, Sevier and Waterhouse—11.

So said amendment was laid on the table.

Mr. Gardner moved to amend the first section of said bill, by striking out of the seventh line, after the words "all certificates of interference," the words "or deficiency of boundary;" which being read, mr. Gardner moved the adoption of said amendment, and the question thereupon being had, was determined in the affirmative—ayes 16, noes 5.

The ayes and noes being demanded by mr. Gardner,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, maclin, matthews, Miller, Motley, Nelson, Powell, Ross, Waterhouse and mr. Speaker Turney—16.

The negative voters were:

Messrs. Ledbetter, Martin, Peyton, Sevier and Warner—5.

So said amendment was adopted.

Mr. Gardner moved to amend said bill, by striking out the 3d section, as follows:

Sec. 3. *Be it enacted,* That the Secretary, as Commissioner of Land Claims, shall be entitled to demand and receive the following fees for adjudicating: For each certificate of fifty acres and under, fifty cents; over fifty acres and under one hundred acres, seventy-five cents; over one hundred and under two hundred acres, one half of one per cent. for each acre so adjudicate l and certified.

And to insert in lieu thereof the following:

Sec. 3. *Be it enacted,* That the Secretary of State, as Commissioner, shall be entitled to demand and receive the following fees, to-wit: For each warrant issued, fifty cents; and one cent per acre for each warrant of fifty acres and under; for each warrant over fifty acres and under one hundred acres, three fourths of a cent per acre; and for all warrants over one hundred acres, half a cent per acre: *Provided,* the Secretary of State shall not receive more than five dollars, in any one case; which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved to amend said bill, by adding to the end of the second section, the following, to-wit: "To each of which warrants or certificates so adjudicated or issued, the seal of the State shall be affixed, and without which no warrant or certificate shall be valid; but for so affixing the seal of the State, no fee shall be allowed or charged;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Maclin moved to amend said bill, by striking out the fourth section, as recommended and reported by the committee on public lands, and set forth in said report.

Mr. Ledbetter then asked and obtained leave to withdraw said bill for amendment.

The Senate, on motion of mr. Peyton, took up and considered a bill from the House of Representatives to establish the county of Macon; which bill was read a first time and passed.

On motion of mr. Johnson,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives has taken up and considered the amendments of the Senate to the following bills from the House:

A bill to reduce the tax fees of Attorneys General in certain cases.

A bill to incorporate a literary institution in the town of *M*aryville, in Blount county, to be styled the Maryville College. And

A bill to amend the act of 1823, chap. 21, in relation to delinquent constables.

Which amendments are severally concurred in by the House of Representatives. And then he withdrew.

The Senate, on motion of mr. Hardwicke, took up and considered a bill to amend the charter of the Bank of Tennessee, and for other purposes; which bill being read, was, on motion of mr. Hardwicke, made the order of the day for Tuesday next.

Mr. Ledbetter returned a bill relating to the adjudication of land warrants, by him withdrawn for amendment, with the following amendment, which he offered in lieu of the 4th section of said bill, as follows:

Sec. 4. *Be it enacted,* That it shall and may be lawful for any *bona fide* land warrant holder, legally adjudicated as herein provided, to enter less than two hundred acres thereof on any vacant land south and west of the Congressional reservation line: *Provided,* all of the vacant land lying in connection, shall be embraced in such entry: *And provided further,* that such entry shall not interfere with the surrounding *bona fide* occupant entries: *And provided, also,* that the holder of such warrant, or certificate warrant, shall be authorised to satisfy the residue of his warrant on any other vacant land, under the rules and regulations prescribed in this section, or may present the same to the Comptroller of the Treasury for payment, as provided for by law; which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Matthews moved said bill by adding thereto the following section, to-wit:

Sec. 5. *Be it enacted,* That nothing shall be so construed in this act as to prevent the occupant entries from dividing the warrants to any size for the benefit of the occupant entries.

Which being read and considered by the Senate, said amendment was rejected—and said bill as amended was read a second time and passed.

The Senate took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House of Representatives directory to the Comptroller of the Treasury, relating to delinquent clerks and sheriffs in the 14th Judicial Circuit.

Which being read and considered, the Senate concur therein.

Ordered that the clerk re-transmit said resolution to the House of Representatives, and announce the concurrence of the Senate therein.

The Senate took up and considered a bill to alter the time of holding the Circuit Courts of Cannon county.

Which being read, was, on motion of mr. Ledbetter, laid on the table.

The Senate took up and considered a resolution to amend the Constitution of the State of Tennessee in the 2d section of the 6th article, so that the Supreme Court may be held at one place in the Mountain District, in addition to the places now to be held.

Which being read, was laid on the table.

The Senate took up and considered a bill to settle the claims of the improvers of the rivers in Fentress county.

Which being read, was laid on the table.

The Senate took up and considered a bill for the relief of the com-

missioners for the improvement of the rivers east of Knoxville, in this State.

Which bill was read a third time—when mr. Foster moved to amend said bill by adding thereto the following proviso:

Provided said commissioners shall produce their account and prove the same to the satisfaction of the Comptroller of the State, and the amount to be paid shall be upon the certificate of the Comptroller, and provided the sum so paid shall be retained by the President of the Bank of Tennessee out of the proceeds of the river bonds belonging to East Tennessee.

Which being read and considered by the Senate, said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had and determined in the affirmative--ayes 20—nays 3.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Martin, Miller, Motley, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, Williams, and mr. Speaker Turney —20.

The negative voters were:

Messrs. Frey, Matthews, and Warner—3.

So said bill as amended was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Gardner, the committee on Agriculture and Manufactures, from the further consideration of a bill to establish the State Agricultural Society, are discharged.

Which bill, on his motion, is made the order of the day for Tuesday next.

The Senate took up and considered a bill to regulate proceedings in actions of replevin.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the negative—ayes 5—nays 18.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Maclin, Powell, and mr. Speaker Turney—5.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Reneau, Ross, Warner, Waterhouse, and Williams—18.

So said bill was rejected upon its third and last reading.

The Senate took up and considered a bill for the relief of sheriffs in certain cases.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the negative—ayes 9—nays 14.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Jennings, Johnson, Matthews, Peyton, Waterhouse and mr. Speaker Turney—9.

The negative voters were:

Messrs. Ashe, Foster, Frey, Ledbetter, Maclin, Martin, Miller, Motley, Nelson, Reneau, Ross, Sevier, Warner and Williams—14.

So said bill was rejected upon its third and last reading.

Mr. Sevier moved a re-consideration of the vote rejecting upon its third and last reading, a bill for the relief of Sheriffs.

Whereupon the Senate on motion of mr. Sevier, took up and re-considered the vote rejecting said bill upon its third and last reading, and the Senate further considering the same, said motion to reconsider the vote rejecting said bill, prevailed,

When mr. Sevier asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered a bill for the relief of John Bell, Sheriff of Coffee county,

Which bill was read a second time and passed.

The Senate took up and considered a bill to amend the charter of Piles' Turnpike road,

Which bill was read a second time and passed.

The Senate took up and considered a bill to prevent the accumulation of bad and doubtful claims in the dealing of the Penitentiary,

Which bill was read a second time and passed.

The Senate took up and considered a bill to amend the act of 1837-8, incorporating Union Seminary, in Maury county,

Said bill was read a second time and passed.

The Senate took up and considered a bill for the benefit of endorsers,

On motion of mr. Ledbetter, said bill was laid on the table.

The Senate took up and considered a bill to repeal an act entitled an act to repeal all laws licencing tipling houses, and for other purposes,

Which bill was read a second time, when mr. Sevier moved the indefinite postponement of said bill, and the question thereon being had, was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Johnson, Ledbetter, Maclin, Martin, Matthews, Motley, Nelson, Peyton, Powell, Reneau, Ross and Sevier—15

The negative voters were:

Messrs. Bradbury, Hardwicke, Jennings, Miller, Warner, Waterhouse, Williams and mr. Speaker Turney—8.

So said bill was indefinitely postponed upon its second reading,

Mr. Johnson moved a re-consideration of the vote of the Senate rejecting upon its second reading, a bill to repeal an act entitled an act, to repeal all laws licencing tipling houses, and for other purposes.

The Senate on motion of mr. Johnson re-considered the vote indefinitely postponing said bill upon its second reading, and the Senate further considering the same, when on motion of mr. Johnson said bill was laid on the table.

A message from the House of Representatives by mr. *M*itchell their clerk:

Mr. Speaker: The House of Representatives took up and read the petition of one hundred ladies of the city of Nashville, praying that the Legislature pass a law for the encouragement and promotion of the culture of silk, which I am directed to transmit to the Senate—and then he withdrew.

The Senate took up and considered a bill to remit to Johnson county the State tax of 1842—3. When, on motion of mr. Johnson, said bill was laid on the table.

The Senate took up and considered a message from the House of Representatives, transmitting the petition of one hundred distinguished and highly respectable ladies of the city of Nashville, praying that the General Assembly pass a law for the encouragement and promotion of the culture of silk in the State of Tennessee.

Which being read, was, on motion of mr. Foster, referred to the committee on Agriculture and Manufactures.

The Senate took up and considered a bill to insure a more efficient management of the Lunatic Asylum.

Which being read, mr. Powell moved to amend said bill by adding thereto the following proviso:

Provided, that all moneys appropriated, or intended to be, by the provisions of this act, shall be deducted from the river bonds appropriated to *M*iddle Tennessee, and shall be subject to the order of the Board of Trustees whenever said bonds shall be negotiated.

Which being read, mr. Ross moved to amend said amendment by striking out the three last lines thereof as follows: after the words "*M*iddle Tennessee," "and shall be subject to the order of the Board of Trustees whenever said bonds shall be negotiated."

Mr. Foster moved to lay said amendment on the table, and the question thereupon was had, and determined in the negative—ayes 11—nays 12.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Ledbetter, *M*artin, Matthews, Motley, Peyton and Ross—11.

The negative voters were:

*M*essrs. Ashe, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—12.

So said motion to lay said amendment on the table was rejected.

*M*r. Powell then withdrew said amendment.

Mr. Williams moved to amend said bill by adding thereto the following, to-wit:

Provided, that all moneys appropriated, or intended so to be, by the provisions of this act, shall be deducted from the river bonds approriated to Middle Tennessee, and shall be subject to the order of the Board of Trustees whenever said bonds shall be negotiated.

Which being read, mr. Williams afterwards withdrew said amendment.

And said bill was read a second time and passed.

The Senate took up and considered a bill to authorize and require the Entry Taker of the Ocoee District to refund money in certain cases.

When mr. Miller asked and obtained leave to withdraw said bill for amendment.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered a message of the Senate, transmitting a resolution proposing that the Senate meet the House of Representatives in their Hall on Wednesday next, in convention, for the purpose of electing a Treasurer of the State and Comptroller of the Treasury—in which the House of Representatives concur, which I am directed to transmit to the Senate.

And then he withdrew.

The Senate, on motion of mr. Jennings, took up and considered a bill to provide for and regulate the inspection of Tobacco.

Which bill was read a third time,

When mr. Gardner moved to amend said bill by adding to the end of the 5th section, the words "and qualified."

Which being read and considered by the Senate, said amendment was adopted.

Mr. Jennings moved to amend said bill by striking out after the words "term of said Court," in the fourth line of the 5th section, the word "two," and insert the word "four."

Which being read and considered, said amendment was adopted.

Mr. Foster moved to amend the fifth section of said bill by inserting therein, after the words "city of Nashville," the words "for which there shall be four inspectors."

Which being read and considered, said amendment was adopted.

Mr. Foster moved further to amend the fifth section of said bill by inserting therein, after the words "Justices of the County Courts," the words "except the county of Davidson."

Which being read and considered by the Senate, said amendment was adopted.

Mr. Bradbury moved to amend the seventh section of said bill by striking out the words occurring in said section, after the words "said bond shall be from," the words "five thousand to ten thousand," and insert in lieu thereof the words "five hundred to five thousand."

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved to amend the 7th section of said bill by striking out, after the words "shall be liable for costs," the words "and any person bringing suit on such bond may be compelled by the Court in which such suit may be instituted, to give security for costs."

Which being read and considered, said amendment was adopted.

Mr. Motley moved to amend said bill by striking out of the fourth line of the 8th section, after the words "or not less than," the word "three," and insert in lieu thereof the word "two."

Which being read, said amendment was adopted.

Mr. Jennings moved to amend said bill by striking out the 12th section, as follows:

Sec. 12. *Be it enacted*, That no tobacco shall be passed or accounted lawful tobacco, (except tobacco in parcels,) unless the same shall be packed in hogsheads not exceeding forty-eight inches in length of the stave and seventy inches in the whole diameter within the staves at the cross and bulge, and the owner of tobacco packed in any hogshead of greater dimensions shall re-pack the same in sizeable hogsheads, as hereinbefore expressed, at his own expense, before the same shall be passed by the inspector to whom it is offered—and to insert in lieu thereof the following:

Sec. 12. *Be it enacted*, That for the purpose of securing to the tobacco planters of Tennessee the advantages to be derived from packing their tobacco in hogsheads of dimensions adapted to the convenience of shippers, it shall be the duty of the inspectors to state in all descriptions of tobacco made in the notes or receipts, specified in the sixth section of this act, whether such tobacco is, or is not contained in hogsheads of the measurement in length and diameter best suited to the market of New Orleans, and shall also keep, either a written or printed statement of such measurement at all times posted up in some conspicuous part of any warehouse at which they are required by law to attend in their official capacity.

Which being read and considered by the Senate, said amendment was adopted.

Mr. Foster moved to amend said bill by adding at the end of the 18th section, the following words: "to the use of the State."

Mr. Foster moved further to amend said bill by inserting in the 17th line of the 19th section, after the words "penalty on the old inspector or inspectors," the words "for the use of the State."

Which amendments severally, so offered by mr. Foster as aforesaid, being read and considered by the Senate, were adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affimative--ayes 20—nays 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, *M*iller, Motley, Peyton, Powell, Ross, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—20.

The negative voters were:

Messrs. *M*artin, Matthews and Nelson—3.

So said bill as amended was read a third and last time and passed—was ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Martin,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 15, 1842.

Mr. Jennings presented a communication from the agent of the Penitentiary, directed to the Speaker of the Senate, in conformity to a resolution adopted by the Senate, directory to said agent—which communication is as follows:

TENNESSEE PENITENTIARY, Jan. 13, 1842.

To the Honorable Samuel Turney, Speaker of the Senate:

SIR—In compliance with the resolution of the Senate of the 4th, I beg leave to present the following statements:

Notes not yet due,					$3262 07
"	Uncollected for 4 months,				738 97
"	Uncollected for 8 months,				1627 76
"	Uncollected for 12 months,				5654 67
					10583 47
122	accts. of $10 and under, amounting to			$570 04	
114	"	over $10 and under $25,		1893 53	
189	"	over 25 " " 50,		3467 10	
61	"	over 50 " " 100,		4268 88	
61	"	over 100 and upwards,		15069 30	——25268 65
					$35852 12
Of the above notes I consider bad,				716 57	
"	"	"	Doubtful,	639 19	
"	"	"	Good,	9227 71	——10583 47
Of the above accts. I consider bad,				314 69	
"	"	"	Doubtful,	150 55	
"	"	"	Good,	24803 41	——25268 65
					$35852 12

The above statement represents the condition of the debts due the prison on the 30th September last, when the report of the undersigned was made to the General Assembly.

Since then but few new accounts have been issued, and many of the old ones have been closed by payment or by notes.

The bad and doubtful debts reported have been accumulating since the prison went into operation, a period of ten years.

Great care has been heretofore observed, and will be hereafter, to prevent any one from obtaining credit at the prison who is not fully competent to meet his engagements.

Whether the amount of bad and doubtful debts reported is as great, or greater, than would have been made in any private establishment doing business to the same extent, and for the same length of time, is respectfully submitted. H. J. ANDERSON, Agent.

Which being read, was ordered to be enrolled upon the journal of the Senate.

Mr. Foster, chairman of the committee on the judiciary, to whom had been referred the petition of the committee of the Columbia, Pulaski, Elkton and Alabama Turnpike Company, submitted the following Report:

The judiciary committee, to whom was referred the petition of the committee of the Columbia, Pulaski, Elkton and Alabama Turnpike Company, have had the same under consideration, and have directed me to report, that so much of said petition as prays the State to refund to said Company, the loss sustained in the sale of the bonds of the State is unreasonable, and should not be granted; that so much of said petition as prays the State to pay to said Company the sum of $1628 30½, the interest which would have accrued upon the bonds of the State, if such bonds had been issued when applied for by said Company is unreasonable, and ought not to be granted; but that so much of said petition as prays an amendment of the act incorporating said Company, is reasonable and should be granted, and to effect which, the committee have directed me to report a bill. All of which is respectfully submitted.

ROB'T C. FOSTER, Jr., Chairman.

Whereupon, the chairman of the judiciary committee reported a bill for the benefit of the Columbia, Pulaski, Elkton and Alabama Turnpike Company; which bill was read a first time and passed.

The Senate, on motion of mr. Peyton, took up and considered a bill from the House of Representatives to establish the county of Macon; which bill was read a second time, when

Mr. Foster moved to amend said bill by inserting in the 7th line of the 5th section, after the words "first giving twenty days," the word "notice;" which being read and considered by the Senate, said amendment was adopted.

And said bill, as amended, was read a second time and passed.

Mr. Powell introduced a bill to authorise the President of the Bank of Tennessee to negotiate the River bonds allotted to East Tennessee and the Western District, by the act of 1837–8; which bill was read a first time and passed.

The Senate took up and considered a bill for the relief of John Bell, sheriff of Coffee county; which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 15, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Hardwicke, Jennings, Ledbetter, *M*aclin, *M*atthews, Motley, Peyton, Reneau, Ross, Sevier, Warner and mr. Speaker Turney—15.

The negative voters were:

*M*essrs. Frey, Gardner, Johnson, *M*iller, Nelson and Waterhouse—6.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to amend the act of 1837–8, incorporating Union Seminary, in Maury county; which was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to amend the charter of Piles' Turnpike road; which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Bradbury introduced a bill requiring the collecting officers of Hardin county to make their returns at Jackson; which bill was read a first time and passed.

The Senate took up and considered a bill to authorise the Planters' Bank to discontinue its branch at Athens, and establish it at Chattanooga, and for other purposes; which bill was read a second time and passed.

The Senate took up and considered a bill to establish the line between the counties of Overton and Jackson; which bill was read a second time and passed.

The Senate took up and considered a bill to authorise the Banks of this State to issue notes of a smaller denomination than five dollars; which being read a second time,

Mr. Ledbetter moved to amend said bill by striking out the second section as follows, to-wit:

Sec. 2. *Be it enacted*, That the other banks of the State may issue notes of the said denominations, under the same rules and regulations as are prescribed in the foregoing section.

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Johnson, Ledbetter, Matthews, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney —12.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Maclin, Miller, *Mo*tley and Nelson—9.

So said amendment was adopted.

Mr. Ledbetter moved to amend said bill by striking out of the third line of the first section, after the words "issue the notes of," the word "the," and insert in lieu thereof the word "any;" and by striking out of the third line of the first section, after the words "of any denomination," the word "of," and insert in lieu thereof the word "from;" to strike out of the third and fourth lines of said first section, after the

words "denomination from one," the words "two, three and four," and insert in lieu thereof "dollar to ten;" which being read and considered, said amendments were severally adopted.

Mr. Jennings moved to amend said bill by striking out of the first section, the following: "*Provided,* that the whole amount issued of said denominations of notes, shall not exceed the sum of ——— dollars: *And provided,* that said notes shall at all times be redeemable and redeemed at the counter of the said bank and its branches in specie;" which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 14, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Ledbetter, *M*iller, Motley, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Johnson, Matthews, Powell, Ross, Warner and Waterhouse —6.

So said amendment was adopted; and said bill, as amended, was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to authorise David Smith to open a Turnpike road; which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the laws in relation to appeals and writs of error,

Which bill was read a third and last time, and the question, shall said bill pass, was had and determined in the affirmative—ayes 20, noes 1.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—20.

Mr. Nelson voting in the negative.

So said bill as amended was passed upon its third and last reading and was ordered to be transmitted to the House of Representatives for enrolment.

The Senate took up and considered a resolution from the House of Represesentatives to amend the 4th section of the 10th article of the constitution of the State of Tennessee.

Which was read a first time and the question, shall said resolution be adopted, was had and determined in the affirmative—ayes 13, noes 5.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Jennings, Johnson, Maclin Matthews, Miller, Peyton, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:
Messrs. Foster, Frey, motley, Nelson and Ross—5.
So said resolution was adopted on its first reading.
The Senate took up and considered a bill to insure a more effectual management of the Lunatic Asylum, when on motion of mr. Jennings, said bill was laid on the table.
The Senate took up and considered a bill to make provision for the Supreme court, when on motion of mr. Ashe, said bill was laid on the table.
On motion of mr. Foster,
The Senate adjourned until Monday morning next at 9 o'clock.

MONDAY, JAN. 17, 1842.

Mr. Warner presented the petition of sundry citizens of Cannon county, protesting against being detached from the banking district, authorised to apply for bank accommodations at the branch of the Bank of Tennessee, at Shelbyville, and be attached to the district belonging to the principal Bank at Nashville,
Which being read, mr. Jennings submitted the following:
Resolved, by the General Assembly of the State of Tennessee, That the memorial this day presented to the Assembly from sundry citizens of Cannon county, praying that said county may not be attached to the Bank district which includes the county of Davidson, be transmitted to the President and Directors of the principal Bank of Tennessee, who are by existing provisions of law, empowered to decide on the request of the petitioners.
Which being read, and the rule requiring resolutions to lie over one day being suspended, said resolution was adopted.
Ordered that the clerk transmit said petition to the House of Repreesentatives, and inform the House of the adoption of said resolution, and request a concurrence therein.
The Senate on motion of mr. Gardner, took up and considered a bill from the House of Representatives, for a manufacturing company, when on motion of mr. Gardner, it was ordered that said bill be re-transmitted to the House of Representatives.
Mr. Gardner presented the petition of sundry citizens of the counties of Carroll, Henry and Weakly, praying that a law be passed making an appropriation for the improvement of the navigation of the Obion river,
Which being read, was on motion of mr. Gardner, ordered to be transmitted to the House of Representatives.
The Senate took up and considered a resolution from the House of Representatives to amend the 4th section of the 10th article of the constitution of the State of Tennessee, so that a new county may be formed out of a portion of the counties of Sullivan, Washington, Greene and Hawkins,
Which resolution being read a second time, and the question, shallsaid resolution be adopted was had, and determined in the affirmative—ayes 13, noes 5.
The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Jennings, Johnson, Maclin, Matthews, Miller, Powell, Reneau, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Frey, Gardner, Motley, Nelson and Warner—5.

So said resolution was adopted on a second reading.

The Senate on motion of mr. Powell, took up and considered a bill to authorise the President of the Bank of Tennessee to negotiate the river bonds allotted to East Tennessee and the Western District by the act of 1837-8.

Which bill was read a second time and passed.

Mr. *Maclin* introduced a bill to establish the county of Coe,

Which bill was read a first time and passed.

The Senate on motion of mr. Ross, took up and considered a bill for the benefit of the Columbia, Pulaski, Elkton and Alabama Turnpike company,

Which bill was read a second time and passed.

The Senate on motion of mr. Williams took up and considered a bill for the encouragement of Agriculture and domestic manufactures,

Which bill was read a second time and passed.

A message from the House of Representatives by mr. Mitchell their Clerk:

Mr. SPEAKER: The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to wit:

An act to incorporate a Literary institution at the town of Maryville, Blount county, to be styled the Maryville College.

An act to amend the act of 1833, chap. 11, in relation to delinquent constables.

An act to amend an act, entitled an act, to re-enact and amend an act, to establish a system of common schools, in the State of Tennessee, passed January 28th, 1840, and for other purposes.

An act to make legal all the official acts of James Rose a deputy clerk, of the county Court of Shelby county.

An act to reduce the tax fees of Attorneys General, in certain cases.

Also an engrossed bill of the Senate making an appropriation for the payment of certain claims on account of work and labor done and materials furnished towards the completion of the Lunatic Assylum, which was read a third and last time in the House of Representatives, which I am directed to transmit to the Senate for enrollment.

Also an enrolled bill of the Senate to amend the practice of the Courts of Chancery, which was read a third time and amended in the House of Representatives, and indefinitely postponed.

The House of Representatives concur in the amendments of the Senate to a bill from the House, for the relief of the commissioners appointed to superintend the navigation of the French Broad river, at the Hanging rock and Seven islands.

The House of Representatives have taken up and considered the amendments of the Senate to the bill from the House of Representatives to amend the law in relation to the exemption of certain property from execution, in which amendments the House of Representatives con-

cur, with amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate signed said several enrolled acts and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate, on motion of mr. Nelson, took up and considered a message from the House of Representatives, transmitting certain amendments made to the amendment of the Senate to a bill from the House of Representatives to amend the law in relation to the exemption of certain property from execution, which amendments are in the following order:

First amendment.—After the word "feathers" in the second section, the words "and also one other cow and calf."

Which being read, and the question upon the concurrence of the Senate in said amendment being had was determined in the affirmative--ayes 13—nays 6.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Johnson, Maclin, Matthews, Miller, Motley, Nelson, Sevier, Waterhouse, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Frey, Powell, Reneau, Ross, Warner, and Williams--6.

So said amendment was concurred in.

Second amendment.—"And the property hereby exempt from execution shall be secured to the widow."

Third amendment.—After the word "provisions" in the 3d section, insert the words "of the second section."

Which second and third amendments being read and considered, the Senate concur therein.

Ordered that said bill be re-transmitted to the House of Representatives, and that the clerk acquaint the House with the concurrence of the Senate in the several amendments made by the House of Representatives to the amendments of the Senate made to said bill.

The Senate, on motion of mr. Bradbury, took up and considered a bill requiring the collecting officers of Hardin county to make their returns at Jackson.

Which bill was read a second time and passed.

On motion of mr. Motley,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled a bill entited an act making appropriations for the payment of certain claims on account of work and labor done, and materials furnished towards the completion of the Lunatic Asylum.

Which enrolled act was thereupon signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

The Senate, on motion of mr. Maclin, took up and considered a bill to provide for the payment of claims against the Bank of Tennessee.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative—ayes 14—nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Jennings, Maclin, Miller, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, Williams, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Frey, Gardner, Matthews, Motley, Nelson, and Sevier —6.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Warner, took up and considered a bill from the House of Representatives to abolish and discontinue spring musters and their court martials and drills.

Which bill being read, was, on motion of mr. Bradbury laid on the table.

The Senate, on motion of mr. Nelson, took up and considered a bill for the benefit of the Hiwassee Railroad company, and to incorporate the Central Turnpike company, and the —— Turnpike company in East Tennessee.

Which bill was read a second time and passed.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act, making appropriations for the payment of certain claims, on account of work and labor done and materials furnished towards the completion of the Lunatic Asylum.

And then he withdrew.

Whereupon the Speaker of the Senate ordered that said enrolled act be deposited in the office of the Secretary of State, for the State of Tennessee.

The Senate took up and considered a bill to authorise the Planters' Bank to discontinue its branch at Athens, and establish it at Chattanooga, and for other purposes.

When, on motion of mr. Waterhouse, said bill was laid on the table.

The Senate took up and considered a bill for the relief of Sheriffs in certain cases.

When, on motion of mr. Gardner, said bill was laid on the table.

The Senate took up and considered a bill to amend the law in relation to records in criminal cases, and for other purposes.

When, on motion of mr. Ashe, said bill was laid on the table.

The Senate took up and considered a bill to insure a more effectual management of the Lunatic Asylum.

When, on motion of mr. Jennings, said bill was laid on the table.

The Senate took up and considered a bill to authorize the Banks of this State to issue notes of smaller denominations than five dollars.

When, on motion of mr. Miller, said bill was laid on the table.

The Senate took up and considered a bill to amend the charter of the Bank of Tennessee, and for other purposes.

When, on motion of mr. Hardwicke said bill was laid on the table.

The Senate took up and considered a bill to establish the line between the counties of Overton and Jackson.

And said bill was ordered to be laid on the table.

The Senate took up and considered a bill from the House of Representatives to establish the county of Macon.

Which bill was read a third time.

When mr. Peyton moved to amend said bill in the 5th section, by striking out after the words "who shall on the" the word "first," and insert in lieu thereof the word "last."

Mr. Peyton moved further to amend the 5th section of said bill by striking out after the words "Saturday of," the word "February," and to insert in lieu thereof the word "March."

Mr. Peyton moved further to amend said bill by inserting in the 3d line of the 8th section, after the words "the lots in said town," the words "in the county."

Which said several amendments being read and considered by the Senate, were adopted.

And said bill as amended, was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 19—nays 00.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Jennings, Johnson, maclin, matthews, miller, motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Warner, Williams and mr. Speaker Turney—19.

Negative voters—none.

So said bill as amended, was passed upon its third and last reading and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the amendments made to said bill and ask a concurrence therein.

Mr. Williams introduced a bill to establish the county of *Mu*lberry.

Which bill was read a first time and passed.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have taken up and read a petition and remonstrance from sundry citizens of Henderson county against the passage of a law reducing the fees on marriage license, and for other purposes.

Also a petition from citizens of Sumner and Wilson counties, pray-

ing an extension of the Cumberland and Stone's River Turnpike Company—which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Hardwicke asked and obtained leave to withdraw for amendment, a bill to prevent the accumulation of bad and doubtful claims in the dealings of the Penitentiary.

On motion of mr. Reneau,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, JAN. 18, 1842.

Mr. Warner, chairman of the committee on claims, to whom had been referred a bill for the relief of such persons as obtained license to retail liquor after the passage of the tippling act of 1838, and before its promulgation—Reported, that said committee have had the same under consideration, and that said committee have instructed him to report said bill, with the following amendment: By striking out of the first section of said bill, after the words "passed 26th January, 1838," the following words: "and was indicted, or presented and convicted, and fined for a violation of the provisions of said act, while proceeding under such license;" further amending said bill, by striking out of the first section, after the words "his, her or their county," the following words: "as also the fine so assessed against him, her or them, in any Circuit court of this State;" and further amending said bill, by striking out of the second section, after the words "the amount paid therefor," the words "and if he has been indicted, or presented and fined, he shall also get the affidavit of the clerk of the Circuit court in which such prosecution was tried, stating the fact of the institution of such prosecution, his conviction, and the amount of the fine, and also that the same has been paid;" and further amending said bill, by adding to the second section, the following: "*Provided*, that no person shall be entitled to the benefits of the act, until he shall have made oath before some justice of the peace, that he obtained such license in ignorance of the passage of the law of 1838, and under an honest conviction that he was entitled to the same, and that he did not take out said license in anticipation, or under a belief that such a law would pass at the session of 1837–8, and with a view to avoid the provisions of such, which affidavit shall accompany the affidavit of the clerk to the comptroller;" and with said amendments, to recommend the passage of said bill.

And said bill, as amended, being read, mr. Warner moved to amend said bill, by filling the blank in the third line of the first section, occurring after the words "spirituous liquors within," with the word "fifteen;" and said bill, as amended, was read a second time and passed.

The Senate, on motion of mr. Gardner, took up and considered a preamble and certain resolutions by him submitted on the 12th day of October, 1841, instructing our Senators, and requesting our Representatives in the Congress of the United States, to exercise their influence, either by negotiation or the imposition of countervailing duties upon the luxuries of foreign countries imported into the United States, so as

to produce a reduction of revenue in foreign ports upon tobacco grown in the United States; which being read,

Mr. Williams moved to amend the fourth resolution, after the words "articles of comfort and necessity," by inserting therein the words, "not the produce or manufacture of the United States;" which being read and considered by the Senate, said amendment was adopted.

Mr. Foster moved to amend the third resolution, by striking out after the words "that should the," the words "arts of diplomacy," and insert in lieu thereof the words "a resort to diplomatic intercourse;" which being read and considered by the Senate, said amendment was adopted.

Mr. Nelson moved to amend the first resolution, by inserting therein after the words "Senators in Congress be instructed," the words "provided, always, that the State of Tennessee is represented in the Senate of the United States;" which being read,

Mr. Gardner offered the following amendment in lieu of the amendment offered by mr. Nelson: "when Senators shall be elected;" which being read, and the question upon the adoption of said amendment in lieu of the amendment offered by mr. Nelson, was had and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by mr. Nelson,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, Warner and mr. Speaker Turney—12.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—11.

So said amendment was adopted in lieu of the amendment offered by mr. Nelson.

The question then recurred upon the adoption of the amendment offered by mr. Gardner, which being considered by the Senate, said amendment was adopted.

Mr. Martin moved to lay said resolutions on the table, and the question thereupon being had, was determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner and mr. Speaker Turney—10.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse and Williams—13.

So said motion to lay said resolutions on the table was rejected.

The question then recurred upon the a loption of said preamble and resolutions, which was had, and determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded by mr. Gardner,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jen-

nings, Motley, Peyton, Sevier, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Johnson, Maclin, Martin, Matthews, Miller, Powell, Reneau, Ross, Waterhouse and Warner—11.

So said preamble and resolutions were adopted, and were ordered to be engrossed and transmitted to the House of Representatives for a concurrence therein.

The Senate, on motion of mr. Johnson, took up and considered certain resolutions proposing to cede to the United States that portion of the State of Tennessee commonly called East Tennessee, for the purpose of being erected into a separate and independent sovereignty, and that His Excellency the Governor of the State of Tennessee be required to hold a correspondence with the Governors of the States of Georgia, North Carolina and Virginia, in relation to a cession of a portion of their respective territories adjoining East Tennessee, to the Government of the United States, the whole of which, when so ceded, to form the State of *Frankland*, and that a committee of two on part of the Senate, and three on part of the House of Representatives, be chosen from the eastern division of the State, with instructions to report by bill or otherwise; which being read,

Mr. Miller moved to amend the second resolution, by inserting therein after the word "Virginia," the word "Alabama;" which being read and considered by the Senate, said amendment was adopted.

And said resolutions, as amended, being read, and the question upon the adoption of said resolutions being had, was determined in the affirmative—ayes 17, noes 6.

The ayes and noes being demanded by mr. Johnson,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Maclin, *Miller*, Nelson, Peyton, Powell, Renaeu, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Hardwicke, Ledbetter, Martin, Matthews, *Motley* and Warner— 6.

So said resolutions were adopted, and ordered to be engrossed and transmitted to the House of Representatives for a concurrence therein.

Whereupon, the Speaker of the Senate appointed messrs. Johnson and Nelson of said committee on part of the Senate.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled the following bills, entitled

An act to establish a Chancery court at Sparta, in the county of White.

Also an act to incorporate the number of Trustees of the Knoxville Female Academy.

Which several enrolled acts were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives for the signature of the Speaker thereof.

Messrs. Lewis Rencau, John R. Nelson, and Samuel Turney presented the following as their protest, to the adoption of a preamble and certain resolutions, submitted by mr. Gardner, instructing our

Senators and requesting our Representatives in the Congress of the United States, to exercise their influence in procuring the removal of certain duties upon American tobacco sent to foreign ports, to-wit:

To the adoption of the resolution proposing to instruct our Senators in Congress, when we shall elect them, and to request our Representatives in that body to support a system of counteracting duties on foreign goods, from those countries where high and enormous duties are laid upon American tobacco, the undersigned respectfully beg leave to enter their protest:

Because, They do not believe it to be right and constitutional for members of the Legislature, unless required by the people so to do, to give instruction to members of Congress. Senators and Representatives in Congress are the people's public servants. They are not the servants of this General Assembly, nor of its members, who are themselves but the public servants of the people, and that too of more humble grade than members of Congress.

Though the members of the General Assembly are the electors of Senators to Congress, yet they perform that duty, not in their own right as citizens, but as representatives and servants of the people.—Senators to Congress are elected, not to attend to or represent the interest of the Legislature or its members, but to represent and attend to the rights and the interest of the whole people of the State. They are therefore the servants of the people. *To their own masters they stand or fall.* "Who art thou that judgest" (or we who judgeth) of another man's servant."

The undersigned are in favor of the doctrines of the resolutions so far as they relate to the Tariff and the encouragement of American industry; but they cannot place themselves between the people and any other class of their public servants, and assume the right of the former to control the duties and services of the latter.

LEWIS RENEAU,
JOHN R. NELSON,
SAMUEL TURNEY.

Which being read, was ordered to be enrolled upon the journal of the Senate.

On motion of mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of mr. Maclin, took up and considered a bill to establish the county of Coe.

Which bill was read a second time and passed.

On motion of mr. Jennings, the select committee appointed and to whom had been referred a preamble and certain resolutions submitted by mr. Jennings on the 7th December, 1841, "relating to the competition of labor of the convicts in the Penitentiary of the State of Tennessee and the mechanical labor of the State, from the further consideration thereof are discharged.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bills entitled as follows:

An act to increase the number of Trustees of the Knoxville Female Academy.

Also an act to establish a Chancery court at Sparta, in White county.

An act to authorise David Smith of Morgan county, to open a Turnpike road, which enrolled acts I am directed to transmit to the Senate.

The House of Representatives have read a third and last time a bill to authorise the transfer of certain civil suits from Bradley county to Polk county.

Also a bill to charter the District central Turnpike company, which bills I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

Whereupon the Speaker of the Senate did sign the latter enrolled act, and ordered that the same be re-transmitted to the House of Representatives for further action of the House thereon to be had.

The Speaker of the Senate ordered that the two first mentioned enrolled acts be deposited in the office of the Secretary of State, for the State of Tennessee.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third and last time and passed a bill to extend the act of 1837-8, chapter 206, and to create a body politic and corporate, to be called the mutual Insurance and Trust Company of Columbia, which I am directed to transmit to the Senate and ask a concurrence therein.

The Senate on motion of mr. Jennings, took up and considered a preamble and certain resolutions, by him submitted to the Senate on the 7th December 1841, relating to the competition of labor, of the convicts in the Penitentiary of the State of Tennessee, and the mechanical labor of the State,

Which being read, and pending the arguments and consideration of said resolutions,

On motion of mr. Ross,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JAN. 19, 1842.

John S. Young, Esq., Secretary of State for the State of Tennessee, presented to the Senate, the following message from his Excellency, the Governor of the State of Tennessee:

Executive Department,
Nashville, Jan. 19, 1842.

Gentlemen of the Senate,
and House of Representatives:

I have received from his Excellency, the Governor of the State of Alabama, sundry resolutions passed by the General Assem-

bly of that State, at its late session, with the request, that I would lay them before the Legislature of this State.

All of which are herewith transmitted.

JAMES C. JONES.

On motion of mr. Foster, said message was laid on the table.

The Senate took up and considered a bill to refund to John Hoyal and Thomas *Mc*Callie, the consideration money paid by them in making entry No. 521, in the Ocoee district,

Which being read a third time, when mr. Foster moved to amend said bill by adding thereto the following: *Provided*, said John Hoyal and Thomas McCallie shall make it appear to the satisfaction of the presiding Judge of the third Judicial circuit, that they are not in the provisions of the act of 1839, chapter 58, and that the title acquired by them to the land so entered by them and granted by grant No. 571, dated Nashville 7th day of June 1839, is taken by a better *bona fide* title acquired under the State, and provided also, they shall make it appear to the satisfaction of said Judge that there has been no fraud or collision between them and the person having such better title, and provided the said Judge shall so certify under his official signature, to the entry taker of the Ocoee district,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 18, noes 4.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Ashe, Frey, Motley and Nelson—4.

So said bill as amended was passed upon its third and last reading, and ordered to be engrossed and transmitted to the House of Representatives.

Mr. Maclin introduced a bill for the relief of William Isaac Rawlings,

Which bill was read a first time and passed.

The Senate took up and considered a bill for the relief of the Columbia, Pulaski, Elkton and Alabama Turnpike company,

Which bill was read a third time, when mr. Foster moved to amend said bill by adding thereto the following:

Sec. 2. *Be it enacted*, That the Franklin and Columbia Turnpike road shall have the further time of two years from the first of January 1842, to complete said road, as is provided in the act of incorporation and that it shall and may be lawful for the county Court of *M*aury county to transfer to said Franklin and Columbia Turnpike road, the bridge belonging to said county of Maury, and which bridge crosses Duck river where said Turnpike road strikes said river, upon condition no toll shall be taxed for passing said bridge, and upon condition, that said Franklin

and Columbia Turnpike road shall keep said bridge in good order and condition at their own proper cost and expense,

Which being read; mr. Martin moved to amend said amendment offered by mr. Foster as follows: *Provided*, the first gate from Columbia shall not be erected south of, or nearer, the town of Columbia, than the dividing line between the lands of Gregory deceased, and the lands of Thomas Brown deceased, and said company shall have the right and power to tax and receive toll at said gate and the other gates located by said company, after said company shall have prepared a bridge,

Which being read, said amendment was adopted.

And said bill as amended, was read a third and last time, and the question, shall said bill pass was had, and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Sevier returned a bill from the House of Representatives, relating to the adjucation of land warrants, by him withdrawn for amendment, without amendment.

Mr. Johnson presented a petition from sundry citizens of Greene county, praying a repeal of the act, passed January 26th, 1838,

Which being read, on motion of mr. Johnson said petition was referred to the committee on the Judiciary.

Mr. Gardner presented the petition of sundry citizens of the county of Henry, praying a repeal of the law relating to mill dams, placing said mill dams in a condition, that they be abated as other nuisances, when adjudged to be such,

Which being read, was laid on the table.

The Senate on motion of mr. Warner, took up and considered a bill to establish the line between Jackson and Overton counties.

Which bill was read a third and last time, and the question shall said bill pass was had, and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate on motion of mr. Miller took up and considered a bill to authorise the Banks of this State to issue notes of a smaller denomination than five dollars,

Which bill was read a third time, when mr. Laughlin moved to amend said bill, and offered the following in lieu of the whole bill after the enacting clause, to wit:

Be it enacted, That the Bank of Tennessee, at the principal Bank and branches is hereby authorised at any time up to the first day of January 1843, to issue bills of the denomination of five dollars but for no smaller sum, payable on demand, as other notes issued by said Bank,

Which bill being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 6, noes 18.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Laughlin, Maclin, Matthews, Powell, Ross and Warner—6.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson,

Ledbetter, Maclin, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—18.

So said amendment was rejected.

Mr. Gardner moved to amend said bill, by adding thereto the following: "*Provided*, that whenever the State Bank resumes specie payments, she shall cease to issue any new small notes as herein authorised;" which being read and considered by the Senate, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 18, noes 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams, and mr. Speaker Turney—18.

The negative voters were:

Messrs. Ashe, Laughlin, Martin, Matthews, Powell, Ross and Warner—7.

So said bill as amended was read a third and last time and passed—was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: I am directed by the Speaker of the House of Representatives to inform the Senate, that the House of Representatives has taken a recess, preparatory to the reception of the Senate, to go into the elections set apart for the day, agreeably to the joint resolution of both Houses of the General Assembly. And then he withdrew.

Whereupon, the Senate took a recess preparatory to meeting the House of Representatives in their Hall to go into the elections set apart for this day.

The Speaker of the Senate having called the Senate to order—

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: I am directed by the Speaker of the House to inform the Senate, that the House of Representatives is now ready, awaiting the reception of the Senate at their Hall in convention, to go into the elections set apart for this day by the joint resolution of both Houses of the General Assembly. And then he withdrew.

Whereupon, mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives, meeting in convention for the purpose of electing a Comptroller of the Treasury, and a Treasurer of the State of Tennessee.

Mr. Speaker Turney of the Senate, and mr. Speaker Douglass of the House of Representatives in the chair, the resolution adopted by the Senate, and concurred in by the House of Representatives, that the Senate this day meet the House of Representatives in their Hall in convention, for the purpose of electing a Comptroller of the Treasury

and a Treasurer of the State, being read, the Speaker of the Senate put the question, Shall the convention now proceed to elect a Treasurer of the State? which being had, was determined in the affirmative.

Nominations to said office being announced by the Speaker of the Senate as being in order,

Mr. Miller of the Senate put in nomination Miller Francis, the present incumbent to said office.

Mr. Peyton of the Senate put in nomination Byron Trousdale.

Mr. Barry of the House of Representatives put in nomination Bartholomew Watkins.

The convention then proceeded, *viva voce*, to elect a Treasurer of the State of Tennessee.

Senators who voted for mr. Francis were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, *Mac*lin, *Mar*tin, *Mat*thews, *Mi*ller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—14.

The votes cast by members of the House of Representatives for mr. Francis as reported being 58—in all 72.

Senators who voted for mr. Trousdale were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Motley, Nelson, Peyton, Reneau, Sevier and Williams—11.

The votes cast by members of the House of Representatives for mr. Trousdale as reported being 14—in all 25.

The votes cast by members of the House of Representatives for mr. Watkins as reported being 3.

Whereupon, the Speaker of the Senate declared that *Mi*ller Francis was duly and constitutionally elected Treasurer of the State of Tennessee for the full term of two years next ensuing, he having a majority of all the votes cast in said convention.

The Speaker of the Senate put the question, Shall the convention proceed to elect a Comptroller of the Treasury of the State of Tennessee? which being had, was determined in the affirmative.

The Speaker of the Senate announced that nominations to said office were in order.

Whereupon, mr. Fonville of the House of Representatives put in nomination Daniel Graham, the present incumbent of said office.

Mr. Foster of the Senate put in nomination Hardin P. Bostick.

The convention then proceeded, *viva voce*, to elect a Comptroller of the Treasury of the State of Tennessee.

Senators who voted for mr. Graham were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, mathtews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The votes cast by the members of the House of Representatives for mr. Graham as reported being 38—in all 51.

Senators who voted for mr. Bostick were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, motley, Nelson, Peyton, Reneau, Sevier and Williams—11.

The votes cast by the members of the House of Representatives for mr. Bostick as reported being 37—in all 48.

Whereupon, the Speaker of the Senate declared that Daniel Graham was duly and constitutionally elected Comptroller of the Treasury of the State of Tennessee, for and during the full term of two years from this day, he having received a majority of the votes cast in said convention.

Whereupon, on motion of mr. Johnson, a Senator, the convention rose, and mr. Speaker Turney and gentlemen of the Senate retired to their own chamber, and the Senate then resumed its session.

On motion of mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Miller returned a bill to authorise and require the Entry Taker of the Ocoee District to refund money in certain cases, by him withdrawn for amendment, with the following amendment, in lieu of the proviso to the first section of said bill, as follows:

"*Provided*, that in all cases, where under the second section of this act, a certificate of entry ordered as the case may be, is returned as therein prescribed, and a deed of relinquishment executed, then the land so relinquished shall not be subject to entry at the price prevailing at the time of such relinquishment; but it is hereby made the duty of the Entry Taker of the Ocoee District to open such lands for entry at the price for which they were entered by the party making such relinquishment, and shall remain open to entry at such price, the length of time prescribed in the act disposing of the lands in the Ocoee District, and if not entered in that time, then to fall to the next price, as designated in such act, and so on, until disposed of;" which being read, and the question, Shall said amendment be adopted in lieu of the proviso to the first section of said bill? was had and determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded by mr. Miller,

The affirmative voters were:

Messrs. Ashe, Gardner, maclin, *Martin*, matthews, miller, Peyton, Powell, Waterhouse, Williams and mr. Speaker Turney—11.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *Motley*, Nelson, Reneau, Ross, Sevier and Warner —14.

So said amendment was rejected.

When mr. Foster asked and obtained leave to withdraw said bill for amendment.

Mr. Hardwicke in the chair.

The Senate, on motion of mr. Laughlin, took up and considered certain resolutions from the House of Representatives, on the resumption of specie payments by the banks within the State of Tennessee, being the order of the day for this day.

Which being read, when mr. Sevier moved the indefinite postponement of said resolutions and amendments thereto.

And the question thereon being had, was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded by mr. Sevier,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, *M*iller, *M*otley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—11.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, *M*aclin, *M*artin, *M*atthews, Powell, Ross, Warner, Waterhouse, and Williams—14.

So said motion to postpone indefinitely said resolutions and amendments thereto was rejected.

Mr. Foster moved to amend the second resolution by striking out after the words "hereby directed to apply," in the second line the word "forthwith."

Which being read and considered by the Senate said amendment was adopted.

*M*r. Ross moved that the Senate adjourn until 9o'clock to-morrow morning.

And the question thereupon being had, was determined in the negative—ayes 11—nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, *M*aclin, Matthews, Powell, Ross, Warner, and Waterhouse— 11.

The negative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, *M*artin, *M*iller, *M*otley, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—14.

So said motion to adjourn until to-morrow morning 9 o'clock, was rejected.

Mr. Foster moved to amend the second resolution by inserting therein after the words "Planters Bank of Tennessee," the following: "if they shall not resume specie payments as hereinafter ordered and resolved, or such of said corporations as shall not resume specie payments as hereinafter directed and ordered, as it is the opinion of this General Assembly such failure or refusal to resume specie payments by said corporations, or either of them, will be a violation of their respective charters, and that the same will be forfeited."

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Powell moved a reconsideration of the vote of the Senate, adopting an amendment offered by mr. Foster to the second resolution.

Which motion is ordered to be entered.

On motion of mr. Ledbetter, said resolutions and amendments thereto, was made the order of the day for Monday next.

The Senate, on motion of mr. Laughlin, took up and considered a bill to increase the rate of interest on the State bonds (known as the river bonds) to six per centum per annum, and for other purposes—

being the order of the day for this day—

When mr. Laughlin moved that said bill be made the order of the day for Monday next.

And the question thereupon being had, was determined in the affirmative—ayes 14—nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Matthews, Motley, Nelson, Peyton, Ross, and Warner—14.

The negative voters were:

Messrs. Gardner, Johnson, Maclin, Miller, Powell, Reneau, Sevier, Waterhouse, Williams, and mr. Speaker Turney—11.

So said motion making said bill the order of the day for Monday next prevailed.

Mr. Ledbetter moved that the Senate now adjourn until to-morrow morning 9 o'clock.

And the question thereupon being had was determined in the negative—ayes 10—nays 14.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Ledbetter, Martin, Motley, Peyton, Reneau, and mr. Speaker Turney—10.

The negative voters were:

Messrs. Foster, Gardner, Johnson, Laughlin, Maclin, Matthews, Miller, Nelson, Powell, Ross, Sevier, Warner, Waterhouse, and Williams—14.

So said motion to adjourn was rejected.

Mr. Williams moved that the Senate take up the consideration of a bill upon its second reading to establish the county of Mulberry.

Mr. Ledbetter moved that the Senate now adjourn.

And said motion was declared to have precedence—and

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, JAN. 20, 1842.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third and last time, a bill from the Senate to establish the county of Putnam, to perpetuate the name and public services of General Israel Putnam of the revolutionary war, and passed with amendments, which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have taken up and considered a resolution of the Senate, appointing a committee of three on part of the Senate to act with such committee as shall be appointed on part of the House of Representatives to ascertain the number of journals of the present General Assembly to be printed, and to report the propriety of causing to be bound one hundred copies of the journals, twenty-

five for the Senators and seventy-five for the House of Representatives. In which the House of Representatives concur.

The House of Representatives have considered and adopted a resolution directory to the Secretary of State relating to a land warrant referred by a resolution of the General Assembly of the 27th September, 1832, to the Secretary of State for the State of Tennessee—which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have adopted a resolution appointing his Excellency the Governor of the State of Tennessee, and the Secretary of State, commissioners to equire into the validity of the title to the land upon which the Lunatic Asylum is situate, and to procure a title for the same—which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have taken up and considered the amendment of the Senate made to the bill from the House of Representatives to establish the county of *M*acon and concur therein.

The House of Representatives have taken up and read the petition of James Spencer, a citizen of Monroe county, relating to entry no. 286, made in the office of the Entry Taker of the Ocoee District, and praying relief—which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Laughlin presented the petition of a hundred and twenty-one citizens of Coffee county, praying an amendment to the charter of the Pelham and Jasper Turnpike company.

Which being read, was, on motion of mr. Laughlin, referred to the committee on Internal Improvement.

The Senate, on motion of mr. Williams, took up and considered a bill to establish the county of Mulberry.

Which bill was read a second time and passed.

The Senate, on motion of mr. Sevier, took up and considered a bill from the House of Representatives relating to the adjudication of land warrants.

Which being read a third time--when mr. Sevier moved to amend said bill by adding thereto the following, to-wit:

Sec. 5. *Be it enacted*, That it shall and may be lawful for the Secretary of State, under the rules and regulations prescribed in the first and second sections of this act, to adjudicate all claims for deficiency of boundary south and west of the congressional reservation line, and issue a certificate therefor to the proper person: *Provided*, the deficiency of boundary exceeds a loss of ten acres in each hundred acres contained in said warrant.

Mr. Laughlin moved to amend the amendment offered by mr. Sevier' by striking out of the same, after the word "claims," the following: "for deficiency of boundary south and west of the congressional reservation line, and issue a certificate therefor to the proper person: *Provided*, the deficiency of boundary exceeds a loss of ten acres in each hundred acres contained in the warrant;" and to add thereto, after the word "claims," the following: "when any grantee, living either south and west or west and east of the congressional reservation line,

has not the quantity of land included in his actual lines and boundaries called for in his grant, and a certificate warrant may issue to such grantee, or his assignee, for such deficiency, on due proof of such deficiency, and on satisfactory proof that the person applying for the same is the assignee of such grantee, or is the actual owner of the land called for in such grant, and on proof that such deficiency has not been heretofore satisfied by the issuance of a duplicate or certificate warrant for the same."

Which being read, and the question, Shall said amendment be adopted? was had and determined in the negative—ayes 3, nays 19.

The ayes and noes being demanded by mr. Sevier,

The affirmative voters were:

Messrs. Jennings, Peyton, and Sevier—3.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson, Powell, Reneau, Ross, Warner, Waterhouse, and mr. Speaker Turney—19.

So said amendment was rejected.

Mr. Gardner moved to amend said bill by inserting in the amendment of mr. Foster to the second section of said bill and adopted, after the words "affixed," the following: "for which the Secretary of State shall receive fifty cents as a fee for his services in affixing the State seal to such certificates in each case."

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had, it was determined in the negative—ayes 7, nays 16.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Hardwicke, Laughlin, Miller, Powell, Ross, and Warner—7.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Maclin, Martin, Matthews, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams, and mr. Speaker Turney—16.

So said bill as amended was rejected upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Mr. Ledbetter moved a re-consideration of the vote of the Senate, rejecting upon its third and last reading in the Senate a bill from the House of Representatives relating to the adjudication of land warrants.

The Senate, on motion of mr. Powell, took up and considered a bill to remit to Johnson county the State Tax for the years 1842—3.

Which being read a third time—when mr. Johnson moved to amend said bill by striking out, after the words "1842 and and 1843," the the word "remitted," and to insert in lieu thereof the word "appropriated."

Mr. Johnson moved further to amend the caption of said bill by

striking out the word "remitted," and to insert in lieu thereof the word "appropriated."

Which being read and considered by the Senate, said amendments were severally adopted.

Mr. Ledbetter moved to amend said bill by adding thereto, the following:

Be it enacted, That the State Tax of the county of Cannon for the next two years, or so much as may be necessary, be appropriated to paying the balance due to building a court house and jail in said county.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 8, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Johnson, Laughlin, Ledbetter, Nelson, Powell, and Williams—8.

The negative voters were:

Messrs. Foster, Frey, Gardner, Hardwicke, martin, matthews, miller, Peyton, Reneau, Warner, Waterhouse, and mr. Speaker Turney—12.

So said amendment was rejected.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had and determined in the affirmative—ayes 16, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, martin, miller, Powell, Reneau, Waterhouse, Williams, and mr. Speaker Turney—16.

The negative voters were:

Messrs. Frey, matthews, Nelson, Peyton, Sevier and Warner—6.

So said bill as amended was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Bradbury introduced a bill to appropriate the State Tax of Hardin county for two years to county purposes.

Which bill was read a first time and passed.

The Senate, on motion of mr. Bradbury, took up and considered a bill requiring the collecting officers of Hardin county to make their returns at Jackson.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill for the relief of such persons as obtained a license to retail liquor after the passage of the tippling act of 1838, and before its promulgation.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 16, nays 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Powell, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Foster, Frey, Matthews, Miller, Nelson, Peyton, Reneau, and Ross—8.

So said bill was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to authorize the Planters' Bank to discontinue its branch at Athens and establish it at Chattanooga, and for other purposes.

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 16, nays 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, maclin, martin, Powell, Ross, Sevier, Warner, Waterhouse Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Bradbury, Jennings, matthews, miller, Nelson, Peyton, and Reneau—7.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Jennings introduced a bill providing in certain contingencies a mode of holding the general elections of the State in the year 1843.

Which bill was read a first time and passed.

The Senate took up and considered a bill for the relief of William Isaac Rawlings.

Which bill was read a second time and passed.

The Senate took up and considered a bill to incorporate the Tennessee State Agricultural Society.

Which bill was read a second time and passed.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third and last time and passed the following entitled bills, to-wit:

A bill to incorporate the Nashville Dam and Lock Company.

A bill to establish a Criminal Court in the county of Davidson.

A bill to amend the Criminal laws of this State.

A bill to amend the laws providing for the collection and paying over the State taxes, and for other purposes.

A bill to prevent the release of property when a *certiorari* is sued out under the pauper law, and for other purposes.

A bill to repeal the act of 1832, chap. 22, entitled an act giving the Circuit Court jurisdiction of misdemeanors.

A bill to amend an act entitled an act to amend an act entitled an

act for the benefit of the widows of intestates, and for other purposes, passed 16th December, 1813, so as to extend to orphans.

A bill to authorize the issuing of grants in the Hiwassee District in certain cases.

A bill for the relief of persons building machinery propelled by water power.

A bill to authorize the payment of certain moneys therein mentioned to the common school district commissioners of the 11th school district of McNairy county.

A bill to authorize spirituous liquors to be drank on the premises where sold.

A bill to amend the laws abolishing imprisonment for debt.

A bill for the relief of George C. Bradley, former jailor of Hawkins county.

A bill to amend the law in relation to official bonds.

A bill giving further time to former sheriffs to collect arrearages of taxes.

A bill to establish a Chancery Court in the county of Grainger, and for other purposes.

A bill to amend the act of 1836, chap. 43, in relation to attachments.

A bill for the correction of certain mistakes in the entry of lands in the Ocoee District, and for other purposes.

A bill relating to lands in the Ocoee District and the locations of entry for the same.

Which bills I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have adopted a resolution directory to the Superintendent of Public Instruction—which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to charter the District Central Turnpike Company.

Which being read, mr. Foster moved to amend said bill by adding thereto the following proviso:

Provided, that nothing in this section, or any part of this act, shall be so construed as to authorize the State to take stock, or to issue bonds under any act or acts of the General Assembly of this State.

Which being read and considered by the Senate, said amendment was adopted.

And said bill, as amended, was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to extend the act of 1837–8, chap. 206, and to create a body politic and corporate, to be called the Mutual Insurance Company of Columbia; which bill was read a first time and passed.

Mr. Hardwicke in the chair, the Senate took up and considered a bill from the House of Representatives, to abolish and discontinue spring musters and their courts martial and drills; which was read a third time, when

Mr. Ledbetter moved to amend said bill as follows:

Sec. 5. *Be it enacted*, That all company officers shall hold their of-

fices for five years from their election, and all regimental officers shall hold their offices for six years from their election. Brigadier Generals and Major Generals shall hold their offices for eight years from their elections, and shall be commissioned accordingly; which being read and considered by the Senate, said amendment was adopted.

Mr. Ledbetter moved further to amend said bill as follows:

Sec. 6. *Be it enacted*, That it is hereby made the duty of the brigadier general of the thirteenth brigade, composed of the counties of Williamson and Rutherford, to hold a brigade camp drill near the line between said counties once in each year, to commence on such day in the month of September as the commanding officer may designate and appoint, and to continue not less than two, nor more than four days, armed and equipped as the law directs, and under the same rules and regulations heretofore prescribed for county drills: *Provided*, that no commissioned officer below the grade of a captain shall be bound to attend said drills, but the staff officers of each regiment attached to said brigade, shall give their attendance under the penalties imposed upon field officers for failing to attend; which being read and considered by the Senate, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Laughlin, maclin, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Foster, Hardwicke, Jennings, Johnson, Ledbetter, martin, matthews, miller and Powell—9.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

A message from the House of Representatives by mr. Mitchell their clerk.

Mr. Speaker; The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled

An act to amend the law in relation to the exemption of certain property from execution.

An act to establish the county of Macon.

Which I am directed to transmit to the Senate. And then he withdrew.

Whereupon, the Speaker of the Senate signed said several enrolled acts, and ordered that the same be re-transmitted to the House of Representatives, for the further action of the House thereon to be had.

On motion of mr. Turney,

The Senate adjourned until 2 o'clock, p. m.

EVENING SESSION.

The Senate took up and considered a bill to suppress usury.

On motion of mr. Sevier, said bill was laid on the table.

The Senate took up and considered a bill to insure a more effectual management of the Lunatic Asylum.

On motion of mr. Powell, said bill was laid on the table.

The Senate took up and considered a bill to improve the condition of the Union Bank of Tennessee, and to reduce the debt of the State; which bill was read a second time and passed.

The Senate took up and considered a bill to prevent the accumulation of bad and doubtful claims in the dealings of the penitentiary; which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to incorporate the Nashville Dam and Lock Company; which bill was read a first time and passed.

The Senate took up and considered a resolution from the House of Representatives directory to the Superintendent of Public Instruction, relating to the common school fund; which being read and considered, the Senate concur therein.

Ordered, that said resolution be transmitted to the House of Representatives—that the clerk announce to the House the Senate's concurrence therein.

The Senate took up and considered a bill from the House of Representatives to establish a Criminal court in Davidson county; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the laws providing for the collection and paying over the State and county taxes, and for other purposes; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the criminal laws of this State; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to prevent the release of property levied upon where a certiorari is sued out under the pauper law, and for other purposes,

Which bill was read a first time and passed.

The Senate took up and considered a bill to authorise the payment of certain monies therein mentioned, to the common school district commissioners of the 11th school district of McNairy county.

Which bill was read a first time and passed.

The Senate took up and considered a bill to amend an act entitled an act, to amend an act, entitled an act, for the benefit of the endorsers of intestates and for other purposes, passed 16th December 1813, so as extend to orphans,

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives, to repeal the act of 1832, chapter 22, entitled an act, giving the Circuit court Jurisdiction of misdemeanors.

Said bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives, for the relief of persons building machinery propelled by water power,

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to authorise the issuing of grants in the Hiwassee district in certain cases,

Which bill was read a first time and passed.

The Senate on motion of mr. Maclin, took up and considered a bill to establish the county of Coe,

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative.

So said bill was passed upon its third and last reading, was ordered to be engrossed, and transmitted to the House of Representatives.

Mr. Warner returned a bill to repeal an act, entitled an act, to repeal all laws licencing tipling houses, and for other purposes, by him withdrawn for amendment, with the following amendment, in lieu of the whole bill:

Be it enacted by the General Assembly of the State of Tennessee, That the act passed on the 26th day of January 1838, chapter 120, entitled an act, to repeal all laws licencing tipling houses, and for other purposes, be and the same is hereby repealed, and that all laws repealed by said act are hereby revived and re-enacted, under the same rules, regulations and restrictions, and in as full and complete a manner as if the law of 1838 had never been passed,

Which being read, mr. Peyton moved an indefinite postponement of said bill and amendments, and the question thereupon being had was determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded by mr. Peyton,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Ledbetter, Maclin, Martin, Matthews, Peyton, Reneau, Ross and Sevier—11.

The negative voters were:

Messrs. Bradbury, Hardwicke, Jennings, Johnson, Laughlin, Miller, Nelson, Powell, Warner, Waterhouse, Williams and mr. Speaker Turney—12.

So said motion, indefinitely to postpone said bill and amendment thereto, was rejected.

Mr. Martin moved to lay said bill and amendments on the table, and the question thereupon being had, was determined in the negative—ayes 4, noes 20.

The ayes and nays being demanded by mr. Martin,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Maclin and Martin—4.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—20.

So said motion to lay said bill on the table was rejected.

Mr. Jennings asked leave to withdraw said bill and amendment for amendment.

And the question thereupon being had, was determined in the affirmative—ayes 12—nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Jennings, Johnson, Laughlin, *Mac*lin, *Mar*tin, *Mi*ller, Nelson, Waterhouse, Williams, and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Ledbetter, Matthews, Peyton, Reneau, Ross, Sevier, and Warner—11.

And so mr. Jennings obtained leave to withdraw said bill and amendment for amendment.

The Senate, on motion of mr. Sevier, took up and considered a bill for the relief of Sheriff's in certain cases

Which being read a third time—

Mr. Foster moved to amend said bill by striking out of the fourth line of the first section after the words "adjournment of the Court," the words "or from any cause."

Which being read and considered by the Senate, said amendment was adopted.

Mr. Sevier moved to amend said bill by adding thereto the following section to-wit:

Sec. 4. *Be it enacted*, That in all cases, where Sheriffs and collectors in this State have heretofore been prevented (by a failure of the court to be held) from returning the orders by virtue of which such sheriff or collector had proceeded duly and legally to offer for sale the lands of non-residents on which taxes were due and a portion thereof failed to sell, it shall be the duty of the comptroller of the Treasury, and all other officers of this State, to whom the laws make such sheriffs or collectors accountable for the same to allow on settlement with him or them a credit to said sheriff or collectors for the full amount of that portion of the lands, that have thus failed to sell, under the same rules, regulations and restrictions contemplated in the second section of this act.

Which being read—

Mr. Foster moved to amend the amendment offered by mr. Sevier, by adding thereto the following:

Provided the provisions of the first and third sections of this act shall not be extended to, or embrace any such failure or omission occurring after the passage of this act.

Which mr. Sevier accepts.

Which amendments being read and considered by the Senate, said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 22—nays 2.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *Maclin*, *Martin*, *Matthews*, *Miller*, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—22.

The negative voters were:

Messrs. Frey, and Nelson—2.

So said bill as amended was read a third and last time and passed—was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Turney, took up and considered a resolution to amend the constitution, so as to permit the supreme court to be held in the *Mountain* District, in addition to the places now held.

Which being read a third time, and the question "Shall said resolution be adopted?" was had and determined in the affirmative—ayes 16—nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Reneau, Warner, Waterhouse, Williams, and mr. Speaker Turney—16.

The negative voters were:

Messrs. Ashe, Foster, Frey, Nelson, Ross, and Sevier—6.

So said resolution was adopted a third time, was ordered to be engrossed and transmitted to the House of Representatives.

Ordered that the clerk acquaint the House therewith and ask a concurrence therein.

The Senate, on motion of mr. Laughlin, took up and considered a bill to amend an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed the 9th of December, 1829—when

Mr. Laughlin moved to amend said bill by inserting in the third section of said bill after the words, "feloniously to steal the same," the words "provided the property shall be of the value of ten dollars, or of greater value."

Which being read and considered by the Senate, said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative—ayes 13—nays 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Powell, Reneau, Ross, Sevier, Warner, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Bradbury, Johnson, maclin, martin, matthews, miller, Nelson, Waterhouse, and Williams—9.

So said bill as amended was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

Ordered that the clerk inform the House of Representatives of the Senate's amendment to said bill and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, to change the time of holding the circuit courts for the county of McNairy and Hardeman, and to attach Tipton county to the 10th judicial circuit.

When, mr. Ashe asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered a bill to make provision for the Supreme court of errors and appeals.

Which being read, mr. Foster moved to amend by striking out the preamble thereto.

Which being read and considered by the Senate, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 13—nays 9.

The ayes and noes being demanded by mr. Sevier,

The affirmative voters were:

Messrs. Ashe, Foster, Hardwicke, Jennings, Laughlin, Ledbetter, *M*aclin, *M*artin, Ross, Sevier, Warner, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Bradbury, Frey, Johnson, *M*atthews, *M*iller, Nelson, Powell, Reneau, and Waterhouse—9.

So said bill was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill making compensaiion to Willoughby Williams, assignee of John C. McLemore, for certain valuable record books, now in the Secretary's office.

Which bill was read a second time—when mr. Laughlin submitted the following in writing:

On motion of mr. Laughlin the said bill was referred to the committee on the judiciary, with instructions to examine and report to the Senate the use and value of the books proposed to be sold to the State under said bill, and report whether the books are the property of Willoughby Williams.

Which being read, and the question upon the reference of said bill to the committee on the Judiciary with instructions, as moved by mr. Laughlin, being had, was determined in the negative—ayes 10—nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Jennings, Laughlin, *M*aclin, *M*artin, *M*atthews, Peyton, Powell, Ross, and Warner—10.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Johnson, Ledbetter, *M*iller, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—11.

So said motion to refer said bill with instructions to the committee on the Judiciary was rejected.

Mr. Turney moved the indefinite postponement of said bill.

And the question thereupon being had, was determined in the affirmative—ayes 12—nays 9.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Frey, Johnson, Ledbetter, *M*atthews, *M*iller, Reneau, Sevier, Waterhouse, Williams, and mr. Speaker Turney—12.

The negative voters were:

Messrs. Hardwicke, Jennings, Laughlin, *M*aclin, *M*artin, Peyton, Powell, Ross, and Warner—9.

So said bill was indefinitely postponed.

Mr. Ledbetter introduced a bill to preserve the original acts and resolutions of the General Assembly of this State.

Which bill was read a first time and passed.

On motion of mr. Gardner, the committee on the Judiciary from the further consideration of a bill to regulate the time of holding the circuit courts of the counties of Henry, Weakly and Obion, were discharged.

Mr. Gardner asked and obtained leave to withdraw said bill for amendment.

On motion of mr. Reneau,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, JAN. 21, 1842.

Mr. Nelson presented a petition of Samuel Martin, of Campbell Station, East Tennessee, praying the election of Senators to the Congress of the United States— the building of a road from the Mississippi to the Virginia line—the protection of Domestic Manufactures—the raising of wool—the exemption of sheep from execution in civil and criminal cases—and for other things mentioned in said petition.

Which being read—

On motion of mr. Nelson, it was ordered that said petition be transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives relating to lands in the Ocoee District and the locations of entry for the same; which bill was read a first time and passed, and

On motion of mr. Miller, said bill was referred to the committee on public lands.

The Senate took up and considered a bill from the House of Representatives to prevent the release of property levied upon, where a certiorari is sued out under the pauper law; which being read,

Mr. Foster moved to amend the first section of said bill, by striking out after the words "giving bond and security," the words "as in case of other previous suing out a certiorari," and to insert in lieu thereof the words "in a sum equal to the value of the property levied upon, or equal to the debt and cost, if the value of the property levied upon shall exceed the debt and cost, which bond shall be payable to

the plaintiff in the suit;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a second time and passed.

The Senate, on motion of mr. Jennings, took up and considered a bill from the House of Representatives to incorporate the Nashville Dam and Lock Company.

On motion of mr. Jennings, said bill was laid on the table.

Mr. Williams introduced a bill to amend an act entitled an act to prescribe certain duties to be performed by the clerks of the several courts in this State, and for other purposes; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives relating to lands in the Ocoee District, and the locations of entry for the same; which bill was read a first time and passed.

On motion of mr. Miller, said bill was referred to the committee on public lands.

The Senate, on motion of mr. Miller, took up and considered a bill from the House of Representatives for the correction of certain mistakes in the entry of lands in the Ocoee District, and for other purposes; which bill was read a first time and passed.

On motion of mr. Miller, said bill was referred to the committee on public lands.

The Senate took up and considered a bill from the House of Representatives for the relief of George C. Bradley, former sheriff of Hawkins county; which bill was read a first time and passed.

On motion of mr. Foster, said bill was referred to the committee on claims.

The Senate took up and considered a bill from the House of Representatives to amend the law abolishing imprisonment for debt; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the law in relation to official bonds; which was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives giving further time to former sheriffs to collect arrearages of taxes; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to establish a Chancery court in the county of Grainger, and for other purposes; which bill was read a first time and passed.

The Senate took up and considered a bill to amend the act of 1836, chap. 43, in relation to attachments; which bill was read a first time and passed.

Mr. Hardwicke submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall, on ———, the ——— inst., to elect three Inspectors for the penitentiary, for the ensuing two years; which being read, was laid on the table.

Mr. Nelson introduced a bill to provide for the payment of costs in criminal cases by the County courts; which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to prevent the release of property levied upon, where a certiorari is sued out under the pauper law, and for other purposes; which bill was read a second time, when

Mr. Foster moved to amend said bill by striking out of the first section, after the words "by giving bond and security," the words "as in cases of other persons suing out a certiorari," and to insert in lieu thereof the following: "in a sum equal to the value of the property levied upon, or equal to the debt and cost, if the value of the property levied upon shall exceed the debt and cost, which bond shall be payable to the plaintiff in the suit;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Nelson moved the indefinite postponement of said bill, and the question thereon being had, was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Frey, Jennings, Laughlin, Maclin, Martin, Miller, Nelson, Peyton, Powell and mr. Speaker Turney—10.

The negative voters were:

Messrs. Bradbury, Foster, Johnson, Ledbetter, Matthews, Reneau, Ross, Sevier, Warner, Waterhouse and Williams—11.

So said motion, indefinitely to postpone said bill, was rejected.

So said bill, as amended, was read a second time, and the question upon the passage of said bill was had, and determined in the affirmative--ayes 12, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Hardwicke, Johnson, Ledbetter, Reneau, Ross, Sevier, Warner, Waterhouse and Williams—12.

The negative voters were:

*M*essrs. Frey, Jennings, Laughlin, maclin, martin, matthews, miller, Nelson, Peyton, Powell and mr. Speaker Turney—11.

So said bill was passed upon its second reading.

The Senate took up and considered a bill from the House of Representatives to amend the criminal laws of this State; which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to extend the act of 1837–8, and to create a body politic and corporate, to be called the Mutual Insurance and Trust Company of Columbia; which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to authorise the transfer of certain civil suits from Bradley county to Polk county; which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to charter the District Central Turnpike Company.

The Senate took up and considered a bill to establish a Criminal court in Davidson county; which bill was read a first time, when

Mr. *M*artin moved to amend said bill, and offered the following amendment, to-wit:

Sec. 12. *Be it enacted*, That the judge of said court shall not be permitted to practice in the courts of law in this State, or to practice in the courts of chancery in this State; which being read,

Mr. Jennings offered the following amendment in lieu of the amendment proposed by mr. Martin, as follows:

Sec. 12. *Be it enacted*, That the judge of the court hereby created shall be, and he is hereby forbidden to appear or be employed as an attorney, counsellor or advocate, in any criminal case before any court of this State.

Which being read, mr. Martin afterwards withdrew his amendment.

Mr. Ross moved to amend said bill by striking out of the first section, after the words "annual salary of," the words "one thousand," and insert in lieu thereof the words "fifteen hundred;" which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, maclin, Martin, Nelson, Peyton, Powell, Ross, and Sevier—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, matthews, miller, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—12.

So said amendment was rejected.

Mr. Martin moved to amend said bill by striking out of the first section, after the words "annual salary of," the words "one thousand," and to insert in lieu thereof, the words "twelve hundred."

Which being read, mr. Warner moved the indefinite postponement of said bill, and the question thereupon being had, was determined in the negative—ayes 7—nays 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson, Ledbetter, matthews, Miller, Warner, Waterhouse, and mr. Speaker Turney—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, maclin, martin, Nelson, Peyton, Powell, Reneau, Ross, Sevier, and Williams—17.

So said motion to postpone said bill indefinitely was rejected.

Mr. Martin again moved to amend said bill, and offered the amendment by him withdrawn, and enrolled upon the journal above.

Which being read, mr. Jennings again offered the amendment as above enrolled upon the journal, in lieu of the amendment proposed by mr. Martin, when mr. Williams submitted the following in writing:

The Senator from Grainger moves that the bill to establish a Criminal Court in Davidson county, be referred to the committee upon the Judiciary, with instructions to inquire into the expediency of establishing in each county in this State a Criminal Court with jurisdiction over all misdemeanors, or of extending such jurisdiction to the County Court, and that they report by bill or otherwise.

Which being read, and the question of reference thereupon being had, was determined in the affirmative—ayes 17, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, maclin, martin, matthews, miller, Peyton, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Bradbury, Frey, Ledbetter, Nelson, Reneau, and Warner —6.

So said motion to refer said bill to the committee on the Judiciary prevailed.

A message from the House of Representatives by mr. Mitchell their clerk.

Mr. Speaker: The House, have taken up and considered a message from the Senate, transmitting sundry resolutions adopted by the Senate, proposing to cede that part of Tennessee commonly called East Tennessee to the General Government, for the purpose of being created into a separate and independent State sovereignty, and for other purposes, which the House of Representatives has amended, by inserting in the first resolution in the tenth line, after the words "to be called," the words "the State of." The House of Representatives further amended said resolutions by striking out the second resolution and adding thereto the following:

Be it further Resolved, That the portion of East Tennessee comprised in the Ocoee and Hiwassee District, shall not constitute a part of the State of Frankland without the consent of the people of said District.

And with said amendments the House of Representatives concur therein, which I am directed to transmit to the Senate and ask the concurrence of the Senate in said amendments.

The House of Representatives have taken up and read the petition of sundry citizens of Hardeman county, praying that the Legislature pass a law exempting James L. Moss and Jeremiah Gressum from the payment of taxes. Which I am directed to transmit to the Senate.

And then he withdrew.

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Hardwicke in the Chair,

The Senate, on motion of mr. Turney, ordered that a bill establishing the county of Putnam, be re-transmitted to the House of Representatives, at the request of the Representative from Jackson county.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate took up and considered a bill from the House of Representatives for the relief of persons building machinery propelled by water power.

Which bill was read a second time and passed.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third and last time and passed the following entitled bills, to-wit:

A bill to regulate the draining of swamp lands.

A bill to amend the act of 1827, chap. 57, and the act of 1[illegible] chap. 11.

A bill to amend the 13th section of the act of 1835, relative [illegible] collectors.

A bill to regulate the duties of clerks in certain cases.

Which I am directed to transmit to the Senate and ask [illegible]ur-rence therein. And then he withdrew.

The Senate took up and considered a message from his Excellency the Governor of the State of Tennessee, transmitted to the Senate through the Secretary of State, enclosing a resolution adopted by the General Assembly of the State of Alabama at its late session, protesting against an act of the Congress of the United States, passed at the late extra session, commonly called the distribution act, and against receiving any of the moneys arising from the sales of public lands and assigned to the State of Alabama under the provisions of said act.

Also, a resolution in favor of the admission of the Republic of Texas into the Union upon an equal footing with other States of the American Confederacy.

Which being read, was, on motion of mr. Ledbetter, ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution directory to the Comptroller of the Treasury relative to a settlement with the sheriff of Humphreys county, which I am directed to transmit to the Senate, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to repeal the act of 1832, chap. 22, entitled an act giving the Circuit court jurisdiction of nuisances; which bill was read a second time, and the question upon the passage of said bill was had and determined in the negative—ayes 11, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Johnson, Laughlin, maclin, martin, Nelson, Peyton, Powell, Waterhouse and mr. Speaker Turney—11

The negative voters were:

Messrs. Foster, Gardner, Hardwicke, Jennings, Ledbetter, matthews, miller, Reneau, Ross, Warner and Williams—11.

So said bill was rejected on its second reading.

Ordered, that said bill be transmitted to the House of Representatives—that the clerk announce to the House the rejection of said bill by the Senate.

The Senate took up and considered a bill from the House of Repre-

sentatives to amend the laws providing for the collection and paying over the State and county taxes, and for other purposes; which bill was read a second time and passed.

The Senate took up and considered a bill to amend an act entitled an act to amend an act entitled an act for the benefit of the widows of intestates, and for other purposes, passed 16th Dec., 1813, so as to extend to orphans; which bill was read a second time and passed.

The Senate took up and considered a bill to authorise the payment of certain moneys therein mentioned, to the common school district commissioners of the 11th school district of *Mc*Nairy county; which bill was read a second time and passed.

The Senate took up and considered a bill to authorise the assurance of grants in the Hiwassee district, in certain cases,

Which bill was read a second time and passed.

The Senate took up and considered a message from the House of Representatives transmitting a resolution directory to the Comptroller of the Treasury relating to the payment of taxes by the Sheriff of Humphreys county,

Which being read, the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate took up and considered a bill to amend the act of 1827, chapter 57, and that act of 1829, chapter 11.

Which bill was read a first time and passed.

The Senate took up and considered a bill to amend the 13th section of the act of 1835, chapter 15, relative to tax collectors,

Which bill was read a first time and passed.

The Senate took up and considered a bill to regulate the duties of clerks in certain cases,

Which bill was read a first time and passed.

The Senate took up and considered a bill to regulate the draining of swamp lands,

Which bill was read a first time and passed.

The Senate on motion of mr. Ledbetter took up and considered the vote of the Senate rejecting a bill from the House of Representatives relating to the adjudication of land warrants upon its third and last reading, and the Senate further considering said motion agree to re-consider said bill.

Mr. Laughlin moved that the Senate re-consider the vote of the Senate adopting an amendment proposed by mr. Gardner to the amendment of mr. Foster, to the second section of said bill, and the Senate further considering said vote, said motion prevailed.

And said amendment so offered to the amendment of mr. Foster as adopted to the second section of said bill, being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Hardwicke, Jennings, Laughlin, maclin, matthews, Miller, Nelson, Powell, Ross, Sevier and Warner—13.

The negative voters were :

Messrs. Bradbury, Foster, Frey, Ledbetter, maclin, Peyton, Reneau, Waterhouse, Williams and mr. Speaker Turney—10

So said amendment was adopted.

And said bill as amended, was read a third and last time, and the question recurring upon the passage of said bill being had, was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded,

The affirmative voters were :

Messrs. Ashe, Foster, Gardner, Hardwicke, Jennings, Laughlin, maclin, martin, Powell, Ross, Sevier and Warner—12.

The negative voters were :

Messrs. Bradbury, Frey, Ledbetter, matthews, Miller, Nelson, Peyton, Reneau, Waterhouse, Williams and mr. Speaker Turney—11.

So said bill as amended was passed upon its third and last reading, was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the Senate's amendments to said bill, and ask a concurrence therein.

The Senate on motion of mr. Foster, took up and considered a message from the House of Representatives, transmitting an amendment of the House of Representatives, in lieu of an amendment of the Senate to the second section of a bill from the House of Representatives, to amend an act to reform and amend the penal laws of the State of Tennessee, passed December 9th, 1829, asking the Senate to concur therein—the Senate considering said message, concur in the amendment of the House of Representatives, made in lieu of the Senate's amendment to said bill.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk announce the concurrence of the Senate, in the amendment of the House of Representatives to the amendment of the Senate to said bill

The Senate took up and considered a bill from the House of Representatives to change the time of holding the Circuit courts for the counties of *Mc*Nairy and Hardeman, and to attach Tipton county to the tenth Judicial Circuit.

Which bill was read a second time, when mr. Ashe moved to amend said bill by striking out of the caption, and wherever the same occurs in said bill, the word "Tipton," and to insert in lieu thereof the word "*Mc*Nairy."

Mr. Bradbury moved to lay said amendment on the table, and the question thereupon being had, was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being demanded by mr. Bradbury,

The affirmative voters were :

Messrs. Bradbury, Frey, Jennings, Laughlin, Ledbetter, matthews, Miller, Nelson, Reneau, Waterhouse, and mr. Speaker Turney—11.

The negative voters were :

Messrs. Ashe, Hardwicke, Johnson, Maclin, Martin, Peyton, Powell, Ross, Warner and Williams—10.

So said motion to lay said amendment on the table prevailed, when mr. Ashe asked and obtained leave to withdraw said bill for amendment.

On motion of mr. Nelson,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 22, 1842.

Mr. Ross presented a memorial from 76 citizens of Giles county, instructing the Senator and Representatives from that district to elect Senators to the Congress of the United States, in the usual way,

Which being read, on motion of mr. Ross said memorial was transmitted to the House of Representatives.

Mr. Martin chairman of the committee on public lands, to whom had been referred a bill from the House of Representatives, relating to lands in the Ocoee district, and the locations of entry for the same—Reports, that said committee have had the same under consideration and think the provisions contained in said bill reasonable and proper, that said committee had instructed him to report said bill and to recommend its passage,

And said bill being read, mr. Waterhouse moved to amend said bill by striking out of the first section the words "three hundred and twenty, four hundred and eighty, and six hundred and forty," and the question thereupon being had, was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Hardwicke, Johnson, Laughlin, Nelson, Powell, Reneau, Warner, Waterhouse and Williams—12.

The negative voters were:

Messrs. Foster, Gardner, Jennings, Maclin, Martin, Matthews, Miller, Peyton, Ross, Sevier and mr. Speaker Turney—11.

So said amendment was adopted.

And said bill as amended was read a second time and passed.

Mr. Warner chairman of the committee on Claims, to whom had been referred a bill from the House of Representatives, for the relief of Geo. C. Bradley, former Sheriff of Hawkins county—Reports, that said committee have had the same under consideration, and are of opinion that the provisions contained in said bill, and the relief asked for is proper and should be granted, that said committee has instructed him to report said bill and to recommend its passage,

And said bill was read a second time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 18, noes 5.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Hardwicke, Jennings,

Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Powell, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Frey, Nelson, Peyton, Ross and Sevier—5.

So said bill was passed upon its second reading.

Mr. Foster chairman of the committee on the Judiciary, to whom had been referred a bill from the House of Representatives, to authorise the Governor of Tennessee to commute capital punishments to imprisonment for life in the Penitentiary, in certain cases—Reports, that said committee have had the same under consideration, and thinks its provisions are proper, and that said committee had instructed him to report said bill and recommend its passage.

Whereupon said bill was read a second time and passed.

Mr. Foster chairman of the committee on the Judiciary, to whom had been referred a bill from the House of Representatives to amend the laws in relation to forcible entry and detainer—Reports, that said committee have had the same under consideration, that said committee think its provisions are proper, and have instructed him to report said bill and to recommend its passage,

Which bill was read a second time, when mr. Foster moved to amend said bill by inserting in the fourth section after the words "removed by certiorari," the word "appeal."

Mr. Foster moved further to amend said bill, by striking out of the 6th section, after the words "shall be rendered and," the following words: "either party may at any time before the writ of possession or final judgment is executed, take the cause to the Circuit court, on giving," and to insert in lieu thereof the following: "from judgments rendered under the provisions of this act, either party shall have the right to take the cause to the Circuit court by appeal or certiorari, under the same rules, provisions and regulations, that appeals and certiorari are granted and taken in other causes by law, and if the applicant for the appeal or certiorari cannot avil himself of the pauper law said applicant shall give."

Mr. Foster moved further to amend said 6th section, by inserting in the 11th line, after the words "suing out such certiorari," the words "or appeal." mr. Foster moved to amend the 6th section, by inserting after the words "obtain the certiorari," in the 12th line, the words "or appeal." mr. Foster moved further to amend said bill in the 19th line of the 6th section, after the words "obtain the certiorari," the words "or appeal;" which several amendments being read, and the sense of the Senate thereon had, were adopted. And said bill, as amended, was read a second time and passed.

Mr. Foster, chairman of the committee on the judiciary, to whom had been referred a bill to amend an act entitled an act to amend the penal laws of the State of Tennessee, passed 9th day of Dec., 1839—Reports, that said committee have had the same under consideration, and that said committee had instructed him to report said bill, and to state, that a similar law to the one contained in and set forth in said bill, had been passed at the present session of the General Assembly, and to recommend its rejection.

And so said bill was rejected.

Mr. Foster, chairman of the committee on the judiciary, to whom had been referred a bill to facilitate the punishment of crimes of perjury and subornation of perjury—Reports, that said committee have had the same under consideration, and deem its provisions improper, and should not be passed. That said committee had instructed him to report said bill, and in said report to recommend the rejection of said bill. Which report being read, the Senate concur therein. So said bill was rejected upon its reading.

Mr. Foster, chairman of the committee on the judiciary, to whom had been referred a bill to divide the interest of the Gibson county academy fund between the Trenton *M*ale and Female Academy—Reports, that said committee have had the same under consideration, and are of opinion that its provisions are improper, and that said bill ought not to pass. That said committee had instructed him to report said bill, and asks to be discharged from the further consideration thereof; which report being read,

On motion of mr. Sevier, said bill was laid on the table.

Mr. Foster, chairman of the committee on the judiciary, to whom had been referred a bill to amend an act entitled an act to authorise suits to be brought jointly against the makers and endorsers of promissory notes and other instruments—Reports, that said committee have had the same under consideration, and are of the opinion that the provisions contained in said bill are proper, and should be passed. That said committee had instructed him to report said bill, and recommend its passage.

Whereupon, said bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 18, noes 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Matthews, Peyton, Powell, Ross, Warner, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Laughlin, Martin, Miller and Nelson—4.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House have taken up and passed upon their third and last reading the following entitled bills:

A bill for the relief of securities and endorsers in certain cases.

A bill to amend the law of descents in certain cases.

Which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have taken up and read a third time and passed the Senate's bill establishing Putnam county, with amendments thereto, herewith transmitted, in which I am directed to ask the concurrence of the Senate.

And then he withdrew.

Mr. Peyton, chairman of the committee on new counties and county lines, to whom had been referred the memorial of the commissioners appointed by law to lay off Powell county, reported said memorial, and asked that said committee from the further consideration of said memorial be discharged.

Which request was granted.

Ordered that said memorial be laid on the table.

The Senate, on motion of mr. Foster, took up and considered a message from the House of Representatives, transmitting a resolution adopted by the Senate for the relief of John England and others—and amended and concurred in by the House of Representatives and the concurrence asked to the amendment of the House made to said resolution.

Which being read the Senate concur in said amendment made thereto.

Ordered that the clerk acquaint the House of Representatives with the concurrence of the Senate in the amendment of the House to the Senate's resolution for the relief of John England, and that said resolution as amended be enrolled.

The Senate took up and considered a bill for the relief of William Isaac Rawlings.

Which bill was read a third and last time, and the question, Shall said bill pass? wâs had and determined in the affirmative.

So said bill was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Frey, from the joint select committee to whom had been referred a resolution of the General Assembly to ascertain and report the number of journals of the Senate and House of Representatives and the number of acts of the present General Assembly should be printed, submitted the following report:

The joint select committee appointed to ascertain the number of acts and journals of the present General Assembly to be printed and distributed, beg leave to submit the following report:

Resolved by the General Assembly of the State of Tennessee, That the following number of acts and journals of each House of the present session of the General Assembly be printed and distributed, the public and private acts to be bound in one volume: one copy of the acts to each justice of the peace, one copy to each sheriff, one copy to each circuit court clerk, one copy to each county court clerk, one copy to each surveyor, one copy to each register, one copy to each ranger, one copy to each entry taker, one copy to each trustee, one copy to each coroner, and one copy of the journals of each House to each civil district.

COUNTIES.	ACTS.	JOUNALS.
Anderson,	30	10
Bledsoe,	30	10
Blount,	44	17
Bradley,	34	12
Campbell,	30	10
Carter,	30	10
Claibourne,	34	12
Cocke,	30	10
Grainger,	40	15
Hamilton,	34	12
Greene,	47	18
Johnson,	26	8
Hawkins,	44	17
Meigs,	26	8
Jefferson,	40	15
Marion,	30	10
Knox,	45	17
Morgan,	26	8
Monroe,	44	17
McMinn,	44	17
Rhea,	26	8
Roane,	40	15
Sevier,	30	10
Sullivan,	40	15
Washington,	44	17
Polk,	24	7
Bedford,	50	20
Cannon,	34	12
Coffee,	36	13
Davidson,	60	25
Dickson,	32	11
DeKalb,	32	11
Fentress,	26	8
Franklin,	40	15
Giles,	44	17
Humphries,	30	10
Hardin,	34	12
Hickman,	34	12
Jackson,	40	15
Lawrence,	34	12
Lincoln,	60	25
Marshall,	41	15
Overton,	34	12
Maury,	56	23
Montgomery,	40	15
Stewart,	34	12
Robertson,	40	15
Wayne,	34	12
Rutherford,	60	25

COUNTIES.	ACTS.	JOUNALS.
Smith,	56	23
Sumner,	50	20
Warren,	40	15
White,	40	15
Williamson,	60	25
Wilson,	60	25
Benton,	27	9
Carroll,	44	17
Dyer,	26	8
Fayette,	40	15
Gibson,	40	15
Hardeman,	40	15
Henderson,	40	15
Haywood,	34	12
Henry,	42	16
Lauderdale,	26	8
McNairy,	34	12
Madison,	44	17
Obion,	26	8
Perry,	34	12
Shelby,	34	12
Tipton,	30	10
Weakley,	36	13
Van Buren,	22	6

	Acts.	*Jour.*
For each member of the House, one copy of both Journals, bound in boards,	75	150
For each member of the Senate, one copy of both Journals, bound in boards,	25	50
For each Clerk of the House, one copy of the Journals,		3
For each Clerk of the Senate, one copy,		2
For States and Territories,	60	
For the use of the General Assembly, to be deposited in the Secretary's office,	100	50
For the Supreme Judges, Chancellors, and Circuit Judges,	20	
For Clerks of the Chancery and Supreme court,	40	
For each Attorney General,	15	
For Treasurer, Superintendent and Comptroller,	3	

Which report being read, was concurred in.

Ordered, that said report be engrossed and transmitted to the House of Representatives.

Mr. Gardner, chairman of the committee on agriculture and manufactures, asked that said committee be discharged from the further consideration of all bills, resolutions, memorials and petitions, referred to said committee; which request being considered, was granted.

Mr. Powell asked and obtained leave to withdraw for amendment, a bill to increase the rate of interest on the State bonds (known as the

River bonds) to six per centum per annum, and for other purposes.

The Senate took up and considered a bill to establish Mulberry county; which bill was read a third time, when

Mr. Bradbury moved to amend said bill by inserting therein after the words "the town so laid out shall be called," the word "Blackberry;" which being read,

Mr. Bradbury afterwards withdrew said amendment

Mr. Gardner moved to amend said bill by adding thereto the following: "*Provided*, that in no event shall the State be charged with any part of the expenses of surveying and organizing said county;" which being read, and the sense of the Senate thereon had, said amendment was rejected.

Mr. Foster moved to amend said bill by adding to the third section, the following: "and the said county of Mulberry is created under, and in accordance with the provisions of said act, establishing the county of Powell;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill, was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

On motion of mr. Ashe,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by mr. Mitchell their clerk:

MR. SPEAKER: The House of Representatives have taken up and read a third time and passed the following entitled bills, to-wit:

A bill for the relief of a portion of the citizens of Perry county.

A bill to diminish the corporate limits of the town of Gallatin.

A bill to incorporate the Memphis City Hotel Company, in the town of Memphis.

A bill for the relief of William Croom, of the county of Madison, and for other purposes.

A bill to amend the laws of this State in relation to securities, to subject both the real and personal property of the principal debtor to execution and sale, before either the real or personal property of the security shall be liable.

Which bills I am directed to transmit to the Senate, and ask a concurrence therein. And then he withdrew.

The Senate took up and considered, upon their first reading in the Senate, the following bills from the House of Representatives, to-wit:

A bill for the relief of a portion of the citizens of Perry county.

A bill to dimish the corporate limits of the town of Gallatin.

A bill to incorporate the Memphis City Hotel Company, in the town of Memphis.

A bill for the relief of William Croom, of the county of Madison, and for other purposes.

A bill to amend the laws of this State in relation to securities, to subject both the real and personal property of the principal debtor to execution and sale, before either the real or personal property of the security shall be liable.

Which bills were severally read a first time and passed.

The Senate took up and considered, upon the second reading in the Senate, the following bills from the House of Representatives, to-wit:

A bill to amend the acts of 1827, chap. 57, and the acts of 1829, chap. 11.

A bill to amend the act of 1836, chap. 43, in relation to attachments.

A bill to amend the 13th section of the act of 1835, chap. 15, relative to tax collectors.

A bill to regulate the duties of clerks in certain cases.

Which bills were severally read a second time and passed.

The Senate took up and considered a bill from the House of Representatives, giving further time to former sheriffs to collect arrearages of taxes; which bill was read a second time, when

Mr. Foster moved to amend said bill by striking out the second section, as follows, to-wit:

Sec. 2. *Be it enacted*, That such former sheriff, either by himself or a deputy, shall have the same power and right to enforce the payment of any taxes that may be due said former sheriff, that the sheriff in office has under the rules and regulations, and all sales of land shall be as valid and effectual as if the same were made by any sheriff in office: *Provided*, the same is made in pursuance of law; which being read, and the sense of the Senate thereon had, said amendment was adopted; and said bill, as amended, was read a second time, when

Mr. Laughlin moved the indefinite postponement of said bill, and the question thereon being had, was determined in the affirmative.

So said bill was indefinitely postponed upon its second reading in the Senate.

Ordered, that said bill be transmitted to the House of Representatives, and that the clerk inform the House of the rejection of said bill by the Senate.

The Senate took up and considered a bill to establish a Chancery court in the county of Grainger, and for other purposes.

Which bill was read a second time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Jennings, Johnson, Ledbetter, Maclin, Miller, Powell, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Foster, Frey, Gardner, Hardwicke, Laughlin, Martin, Matthews, Nelson and Ross—9.

So said bill was passed upon its second reading.

The Senate took up and considered a bill to regulate the draining of swamp lands; which bill being read,

Mr. Foster moved to amend said bill by inserting in the 18th line of the 1st section, after the words "as aforesaid," the following: "and assess the damages that may be sustained by the person through whose land said ditch may run;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a second time and passed.

Mr. Hardwicke submitted the following:

Resolved by the Senate, That the judiciary committee be instructed to enquire into the propriety of preparing, and to report a bill, restoring persons to the privilege of citizenship, who have been convicted of crimes under the penal code of the State, not infamous at common law; which being read, and the rule requiring resolutions to lie over one day being suspended, said resolution was rejected.

On motion of mr. Nelson,

The Senate adjourned until Monday morning 9 o'clock.

MONDAY, JAN. 24, 1842.

Mr. Foster, chairman of the judiciary committee, to whom had been referred a bill from the House of Representatives to amend the act of 1831, chap. 24—Reports, that said committee have had the same under consideration, and deem the provisions therein contained advantageous and proper, and that said committee had instructed him to report said bill, and to recommend its passage.

And said bill was read a second time and passed.

Mr. Foster, chairman of the judiciary committee, to whom had been referred the petition of sundry citizens of Greene county, praying that the act of the 26th of January, 1838, authorising the courts of chancery to entertain jurisdiction of the settlement of the estates of deceased persons may be repealed— Reports, that said committee have had the same under consideration, and are decidedly of the opinion that the prayer of said petitioners is unreasonable, and should not be granted, and that said committee had instructed him to report said petition, and to recommend its rejection; which report being read, the Senate concur therein.

Mr. Frey chairman of the committee on Enrollments, reports as correctly enrolled, a resolution for the benefit of John England, and for other purposes.

Which enrolled resolution, was thereupon signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives, for the signature of the Speaker thereof.

The Senate on motion of mr. Hardwicke, took up and considered a resolution by him submitted on the 21st instant, proposing that the Senate meet the House of Representatives in convention in their Hall on —— the —— instant, to elect three inspectors for the Penitentiary, for the ensuing two years,

Which being read, mr. Jennings moved to amend said resolution by

filling the blanks therein at the appropriate places with the words Thursday 27th,

Which being read and considered, said amendment was adopted.

And said resolution as amended, was read and adopted.

Ordered that the clerk transmit said resolution to the House of Representatives and announce its adoption by the Senate, and ask a concurrence therein.

Mr. Hardwicke in the chair, the Senate on motion of mr. Turney, took up and considered a message from the House of Representatives, transmitting a resolution proposing that this General Assembly do adjourn *sine die*, on the 24th January 1842,

Which being read, mr. Turney moved to amend said resolution by striking out the words "24th January," and to insert in lieu thereof the words "7th February,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said resolution as amended, being read, the Senate concur therein.

Ordered that said resolution as amended, be transmitted to the House of Representatives, that the clerk acquaint the House with said amendment, and ask the concurrence of the House of Representatives therein.

The Senate on motion of mr. Jennings, took up and considered certain resolutions by him submitted on the 7th day of December 1841, directory to the keeper and agents of the Penitentiary, relating to the competition of labor of the convicts in the Penitentiary of Tennessee, and the mechanical labor of the State,

Which resolutions being read, mr. Jennings moved the adoption of the first resolution, and the question thereupon being had, was determined in the negative—ayes 5, noes 20

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Jennings, Johnson, Laughlin, Maclin and Williams—5.

The negative voters were:

Messrs Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—20.

So said resolution was rejected.

Mr. Jennings moved the adoption of the second resolution, when mr. Foster moved to amend said resolution by inserting in the second line after the words "rope and bagging," the following, "and saddle trees and other manufactures in the discretion of the Inspectors that shall prove beneficial to the State,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said resolution as amended being read, and the question recurring upon its adoption as amended was had, and determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, maclin, Peyton, Powell, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Martin, Matthews, Miller, Motley, Nelson, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said resolution was rejected.

Mr. Jennings moved the adoption of the third resolution, and the question was thereupon had, and determined in the affirmative—ayes 25, noes none.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—25.

Negative voters none.

So said resolution was adopted.

Mr. Jennings moved the adoption of the fourth resolution, and the question thereupon being had, was determined in the negative—ayes 4, noes 21.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Jennings, Johnson, Laughlin and Maclin—4.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—21.

So said resolution was rejected.

Mr. Jennings moved to amend said resolutions, by striking out the 5th resolution, and the question thereupon being had was determined in the negative.

So said motion to amend said resolutions by striking out the 5th resolution, prevailed.

Mr. Jennings moved the adoption of the 6th resolution, when mr. Foster moved to amend said resolution, by inserting therein after the words "beyond the limits of this State," the following, "at the discretion of the Inspectors,"

Which being read, and the sense of the Senate thereon being had, said amendment was adopted.

And said resolution as amended being read, and the question recurring upon its adoption, was determined in the negative—ayes 11, noes 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Johnson, Laughlin, Maclin, Peyton, Reneau, Sevier and Williams—11.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Martin, Matthews, Miller, *Mot-*

ley, Nelson, Powell, Ross, Warner, Waterhouse, and mr. Speaker Turney—13.

So said resolution was rejected.

Ordered that the third resolution herein submitted and adopted, be engrossed and transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the adoption of said resolution, and ask a concurrrence therein.

Mr. Williams moved a re-consideration of the vote of the Senate rejecting a bill from the House of Representatives to repeal the act of 1832, chapter 22, entitled an act, giving the Circuit courts Jurisdiction of misdemeanors, had in the proceedings of the Senate on the 21st inst.

Mr. Foster chairman of the committee on the Judiciary, to whom had been referred a bill to establish a Criminal court in the county of Davidson, with sundry amendments offered thereto, with instructions to inquire into the expediency of establishing in each county in this State a Criminal court, with Jurisdiction over all misdemeanors, or of extending such Jurisdiction to the County court, and that said committee report by bill or otherwise—Reports, that said committee have had said bill with the proposed amendments, and said instructions under consideration, that said committee are of opinion that said bill and the provisions therein contained are proper and should be passed with the amendments herewith reported, which will constitute the 12th section of said bill as follows:

Sec. 12. *Be it enacted*, That the Judge of said Criminal court shall not practice as Attorney or Counsellor in any court of law or equity in this State.

Which being read, on motion of mr. Jennings, said bill and amendments were laid on the table.

Mr. Foster, chairman from the Judiciary Committee, to whom had been referred the resolution of the Senate requiring them to examine and report the expediency of giving to the County Court jurisdiction of misdemeanors, or of establishing in each county a separate Criminal Court for the trial of misdemeanors, have had the same under consideration, and have directed me to report that it is inexpedient to give to the County Courts jurisdiction of misdemeanors, and that it is inexpedient to establish separate Criminal Courts in each county for the trial of misdemeanors. All of which is respectfully submitted.

ROBERT FOSTER, Jun., Chairman.

Which report being read, and the question upon a concurrence in the report of the chairman of said committee being had, was determined in the affirmative—ayes 19, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Motley, Nelson, Powell, Reneau, Ross, Sevier, and Warner—19.

The negative voters were:

Messrs. Johnson, Miller, Peyton, Waterhouse, Williams and mr. Speaker Turney—6.

So said report was concurred in.

Mr. Gardner returned a bill to regulate the times of holding the Circuit Courts in the counties of Henry, Weakly and Obion, by him withdrawn for amendment, with the following amendments in lieu of the whole bill as follows:

A bill to provide for but two, instead of three annual terms of the Circuit Court in each of the counties west of Tennessee river, and to fix the time of holding the same.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act of 1835, chapter 5, section 1, as requires three terms of the Circuit Court to be held annually in the several counties hereafter mentioned, be and the same is hereby repealed.

Sec. 2. *Be it enacted*, That from and after the 1st day of March next, (1842) there shall be held two terms of said Court required to be held in said counties in each and every year, which terms shall thereafter be held at the following times and places: that is to say—

For the county of Henry, at the Court House in the town of Paris, on the 4th Monday of February and August.

For the county of Weakley, on the first *M*onday of March and September.

For the county of Obion on the second Monday of March and September.

For the county of Dyer on the third *M*onday of *M*arch and September.

For the county of Gibson on the 4th Monday of March and September.

For the county of		Carroll on the	Monday in	and
"	"	Perry on the	"	"
"	"	Henderson on the	"	"
"	"	Madison on the	"	"
"	"	Haywood on the	"	"
"	"	Tipton on the	"	"
"	"	Lauderdale on the	"	"
"	"	Shelby on the	"	"
"	"	Fayette on the	"	"
"	"	Hardeman on the	"	"
"	"	McNairy on the	"	"

Sec. 3. *Be it enacted*, That after the first day of March next it shall be the duty of the respective clerks of said courts to make all process returnable at the times mentioned in the second section of this act.

Which being read, mr. Ledbetter moved the following amendment thereto:

Sec. 4. *Be it enacted*, That from and after the first day of March next, (1842) there shall be but two terms of the Circuit Courts held annually in each county in this State, instead of three terms, as now required by law, which terms shall be thereafter held at the times and places hereinafter provided, and that power be and is hereby given to the presiding judge to hold, in addition to the two terms provided

for above, special terms, whenever, in his opinion, the business may require it.

Which being read, and the sense of the Senate thereon being had, said amendment was adopted.

And said bill as amended being read, and the sense of the Senate thereon had, was adopted in lieu of the original bill--which bill was read a second time and passed.

On motion of mr. Laughlin, it was ordered that said bill and amendment be referred to a select committee, to consist of two members from the Eastern, three members from the *Middle* and two from the Western Division of the State, with instructions to report a bill in detail in conformity with the provisions of the bill; and the question of reference was thereupon had, and determined in the affirmative—ayes 14, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, *Maclin*, Peyton, Powell, Reneau, Sevier, Warner, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Foster, Frey, Johnson, *Martin*, *Matthews*, *Miller*, *Motley*, Nelson, Ross, Waterhouse, and Williams—11.

So said motion to refer prevailed—whereupon the chair appointed Messrs. Laughlin, Ledbetter, Ross, Nelson, Powell, Gardner and Ashe of said committee.

Mr. Reneau introduced a bill to enable foreigners to transmit the real estate they may purchase to their heirs.

Which bill was read a first time and passed.

On motion of mr. Reneau, said bill was referred to the committee on the Judiciary.

On motion of mr. Ledbetter,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Ledbetter introduced a bill for the relief of Cannon county.

Which bill was read a first time and passed.

The Senate took up and considered the following bills from the House of Representatives upon their second reading:

A bill to amend the laws of this State in relation to securities to subject both the real and personal property of the principal debtor to execution and sale, before either the real or personal property of the security shall be liable.

Also, a bill for the relief of William Croom of the county of Madison, and for other purposes.

Which bills were severally read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to incorporate the *Memphis* City Hotel Company, in the town of *Memphis*.

Which bill was read a second time—when mr. Maclin moved to

amend said bill by inserting in the third line of the 4th section, after the words "next, and on the," the words "and ever afterwards on the first Monday of January."

Which being read and considered by the Senate, said amendment was adopted.

Mr. Martin moved to amend said bill by adding to the 6th section the following:

And that the private property of the stockholders shall be bound to secure the debts that said corporation may contract.

Which being read and considered, said amendment was adopted—and said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the laws abolishing imprisonment for debt.

Which bill was read a second time, when mr. Maclin offered the following amendment in lieu of the whole bill after the caption:

Be it enacted by the General Assembly of the State of Tennessee, That all laws in force in the State of Tennessee authorising the issuance of any *capias ad satisfaciendum*, be and the same are hereby repealed.

Be it enacted, That all laws authorising the issuance of any writ of *capias ad respondendum*, in any suit obtain, or any bail warrant in any case within the jurisdiction of a justice of the peace be and the same are hereby repealed. *Provided*, That in all cases where the plaintiff, her agent or attorney shall make oath that the defendant is absconding from the State with his property to avoid the payment of his debts, it shall be lawful for such writ of *capias ad respondendum* to issue, and the defendnat shall then be held to bail as heretofore.—*Provided further*, That the oath required to be taken in the preceding sections of this act shall be by affidavit in writing, signed by the party or person who shall make oath thereto, and certified by the clerk or officer who is required to issue the process, and filed with the papers in the cause, and if any person shall knowingly, wilfully, and corruptly, swear falsely in such affidavit, he shall be deemed guilty of forgery and shall be punished as in other cases of forgery. *Provided further*, That in all cases, where a debtor is absconding or concealing himself, or concealing his property or effects, and in all cases where a debtor is removing himself or his property beyond the limits of this State, and in all cases where a debtor is privately removing himself or his property out of the county in which he resides, it shall be lawful for the creditor to obtain an attachment at law, or an attachment in equity against the property and effects of such debtor in the same manner as the creditor is now authorised to obtain such process, and bring such suits against absconding and non-resident debtors, and which suits may be prosecuted in like manner and subject to the same rules, regulations, and restrictions, as other attachment cases, and it shall be lawful for the creditor to obtain such attachment, as well after, as before the institution of any suit, on a proper case being made out to the satisfaction of the court in term time where the cause is pending, or a judge in vacation.

Be it enacted, That all laws coming within the purview of this act be and the same are hereby repealed.

Which being read, mr. Laughlin offered the following as an amendment to the amendment of mr. *Maclin* to be inserted before the last section of said amendment, to-wit:

Sec. *Be it enacted,* That from and after the passage of this act, that no plaintiff, his agent or attorney, shall be entitled to sue out a writ of *capias ad satisfaciendum* against any defendant or defendants, unless he, she or they shall procure the affidavit now required by law to be made by the plaintiff, his agent or attorney, to be made by some credible and disinterested person.

Be it enacted, That where there shall be recovered a just judgment against two or more defendants, and the plaintiff is desirous of sueing out a *capias ad satisfaciendum* against any one, or a less number than all said defendants, that he shall have the right of doing so, under the above restrictions and the provisions of this act shall apply to all judgments at law, in courts of law, before justices of the peace or decrees in chancery."

Which being read, messrs. *Maclin* and Laughlin agreed for the present not to insert their said amendment, upon the second reading of said bill.

And said bill was read a second time and passed.

On motion of mr. Ledbetter, said bill and amendments are referred to the committee on the Judiciary.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have read a third time and passed the following entitled bills:

A bill for the benefit of witnesses in State cases.

A bill to incorporate the Greenville Female Academy, in the town of Greenville, and for other purposes.

A bill to amend the penal laws.

A bill to amend the second section of an act entitled an act to incorporate the Clarksville *Marine* and Fire Insurance and Life and Trust company, passed 15th January, 1840.

Which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have read a third time and passed, with amendments, a bill from the Senate to authorise the Banks of the State to issue notes of smaller denominations than five dollars.

Which I am directed to transmit to the Senate and ask the concurrence of the Senate in the amendments made by the House of Representatives to said bill.

The House of Representatives have read a third time and passed a bill explanatory of an act passed Dec. 2nd, 1831, entitled an act to prevent the violation of graves, &c.

Which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

The Senate, on motion of mr. Warner, took up the further consid-

eration of the message from the House of Representatives, transmitting certain resolutions adopted by the House of Representatives requiring the Banks within the State of Tennessee to resume specie payments, said resolutions being made the order of the day, for this day, by a rule of the Senate.

When the question recurred upon the motion of mr. Foster, made on a former day to amend said resolutions by striking out the first resolution, and the question thereupon being had, was determined in the affirmative—ayes 14—nays 11.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *M*artin, *M*iller, *M*otley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—14.

The negative voters were:

*M*essrs. Gardner, Hardwicke, Johnson, Laughlin, *M*aclin, *M*atthews, Powell, Ross, Warner, Waterhouse, and Williams—11.

So said amendment was adopted.

The question then recurred upon the motion of mr. Powell, to reconsider the vote of the Senate adopting the amendment moved by mr. Foster, striking out the word "forthwith," in the second line of the second resolution, and the question was thereupon had and determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, *M*aclin, *M*atthews, Powell, Ross, Warner, Waterhouse, and Williams—12.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, *M*artin, *M*iller, *M*otley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney —13.

So said motion to reconsider said vote, adopting said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by mr. Williams in lieu of the original resolutions, which being had was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, *M*aclin, *M*atthews, Powell, Ross, Warner, Waterhouse, and Williams—12.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, *M*artin, *M*iller, *M*otley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—13.

So said amendment was rejected.

The question then recurred upon the adoption of said resolutions as amended, which being had was determined in the negative—ayes 10—nays 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Ledbetter, Martin, Matthews, Motley, Powell, and Waterhouse—10.

The negative voters were:

Messrs. Frey, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Miller, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Williams and mr. Speaker Turney—15

So said resolutions as amended were rejected.

Ordered that said resolutions be transmitted to the House of Representatives, and that the clerk announce the rejection of said resolutions by the Senate.

The Senate, on motion of mr. Williams, took up and considered the vote of the Senate removing the seat of government from Nashville and locating it at Knoxville.

Which being considered, was determined in the affirmative.

Whereupon, mr. Hardwicke enquired if it would be in order to strike out Knoxville and insert any other place.

The chair decided, that it would not be in order to strike out and insert, but would be in order to re-consider the vote striking out McMinnville and inserting Knoxville.

From which decision mr. Nelson appealed to the Senate; and the question "Shall the decision of the chair stand?" being had, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Gardner, Hardwicke, Laughlin, Ledbetter, Matthews, Motley, Peyton, and Warner—10.

The negative voters were:

Messrs. Bradbury, Frey, Jennings, Johnson, Maclin, Martin, Miller, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse, and Williams —14.

So the decision of the Speaker was not sustained.

Mr. Nelson moved that the word "McMinnville" wheresoever occurring in said bill be stricken out and the word "Knoxville" inserted in lieu thereof.

Which being considered said motion prevailed.

Said bill was read a third and last time, and the question upon the passage of said bill was had and determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Johnson, Ledbetter, Maclin, Martin, Miller, Nelson, Powell, Reneau, Ross, Waterhouse and Williams—12.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Matthews, Motley, Peyton, Sevier, Warner, and mr. Speaker Turney—13.

So said bill was rejected upon its third and last reading.

Mr. Warner asked and obtained leave to withdraw for amendment certain resolutions by him submitted 13th December, 1841, requiring the banks of Tennessee to resume and continue specie payments.

Mr. Jennings returned a bill from the House of Representatives to authorise spirituous liquors to be drank on the premises where sold, by him withdrawn for amendment, with the following amendment in lieu of the whole bill after the enacting clause, to-wit:

Sec. 1. *Be it enacted*, That no person whatever shall retail spirituous liquors in less quantity than one quart, unless he shall first have obtained a license for that purpose as hereinafter provided, and shall also have taken the oath and given bond, and in other respects complied with the terms hereinafter prescribed.

Sec. 2. *Be it enacted*, That whoever shall retail spirituous liquors in a less quantity than a quart, without having given bond, taken the oath, and obtained a license as hereinafter prescribed, shall be fined in a sum not less than ——— dollars.

Sec. 3. *Be it enacted*, That any person wishing to retail spirituous liquors under the provisions of this act, shall make application for the enjoyment of such privilege to the Circuit court of the county in which he may reside, and on such application, it shall be the duty of the judge of said court, if he be satisfied that the applicant is not a man of intemperate habits, nor a man whose associations and character would make it probable that he would keep a riotous and disorderly house, to direct the clerk of said court to issue a license to such applicant for the term of one year from the date thereof, so soon as such applicant shall have paid to said clerk the charges for such license hereinafter directed, and if any one who is denied license under the provisions of this section deem himself aggrieved by the decision of the court, he shall be entitled, on motion before said court, and on giving security for the cost thereof, to have a jury summoned, who shall hear his application, and on the grounds above directed as a guide to the decision of the court, shall render a verdict thereon, which shall in all cases be final, and preclude any further right of appeal.

Sec. 4. *Be it enacted*, That every person receiving a license under the provisions of this act, shall pay in advance to the clerk by whom it is issued for the use of the State, the sum of fifty dollars, and also an additional sum, corresponding in amount to the one-fifth of the rental of the house in which such person may sell, or design to sell spirituous liquors, in less quantities than one quart, and the rent, or the value of the rent, in each and every case, shall be ascertained by the judge of the Circuit court at the time when a decision is made in favor of an application for license under the provisions of this act, and for the assistance of the court in the performance of this duty, the applicant as aforesaid shall come prepared with all necessary evidence on the subject, and if said applicant, or any witness summoned at his instance, with corrupt intent swear falsely in regard to any issue trial present, in which he may be concerned, before said court, touching the value of such rent, such witness shall be deemed guilty of perjury, and on conviction thereof, shall be punished accordingly.

Sec. 5. *Be it enacted*, That in all cases in which an application is made as aforesaid for a license to sell spirituous liquors in less quantities than one quart, in a house which is notoriously a tavern, and it is

merely intended for the entertainment of travelers and boarders, the tax on the rent of such house prescribed in the preceding section, shall be levied only on the one-fourth of said rent. But it is hereby required of the court having jurisdiction in such matters, to take all proper precaution against fraud or imposition designed to take advantage of the provisions of this section.

Sec. 6. *Be it enacted*, That before issuing a license as aforesaid to any person applying for the same, it shall be the duty of said clerk to require the applicant to take and subscribe the following oath or affirmation, which said clerk is hereby authorised to administer, viz: "I, A B, do solemnly swear (or affirm, as the case may be,) that I will not, under the license I am about to obtain, retail any spirituous liquor to any slave, nor permit the same to be done, unless by the permit of the master or owner of the slave in writing; that I will not knowingly permit or allow of any gaming for money or other valuable thing, in the house in which I may retail spirits, or any house or booth adjacent thereto, over which I may have control; and if any person shall game as aforesaid, I will give information thereof to the grand jury at the next term of the Circuit court or Criminal court of any county, and that I will not permit slaves to assemble on my premises for any purposes whatever. And I do further swear, that I will use my best exertions to keep a quet, peaceable and orderly house." Which oath or affirmation so taken and subscribed, the said clerk shall file in his office; and said clerk is also hereby required, before he grants such license, to take from the applicant a bond, with not less than two good and solvent sureties, payable to the Governor of the State for the time being, and his successors in office, in the sum of ——— ———, conditioned, that the said applicant will keep a peaceable and orderly house, and not permit any unlawful gaming therein; that he will not retail any spirituous liquors to any slave, either in a greater or less quantity than a quart, nor permit the same to be done, unless by the permit in writing of the master or overseer of the slave, and that he will not permit slaves to assemble and remain idle on his premises.

Sec. 7. *Be it enacted*, That any person taking such oath who shall violate the same or any part thereof shall be held guilty of perjury, and on conviction thereof shall be punished as in other cases of perjury, and the grand jurors of the several counties in all proceedings designed to enforce the provisions of this section, shall observe the same rules and regulations prescribed for their government in the several acts of this State to suppress illegal gaming.

Sec. 8. *Be it enacted*, That whosoever shall sell spirituous liquors to free persons of color, or to slaves without a written permit from their master or overseer, shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars, and imprisoned not less than three weeks in the common jail of the county, and shall forfeit his license for the time being, and never hereafter receive a license under the provisions of this act.

Sec. 9. *Be it enacted*, That any person who shall be licensed as aforesaid to retail spirituous liquors shall keep an orderly house, and whoever

shall fail to do so, shall be guilty of a misdemeanor, and be fined and imprisoned as in cases of misdemeanor at common law.

Sec. 10. *Be it enacted*, That whoever shall be convicted under this act for any of the offences specified in it, if a licensed retailer of spirits, shall immediately forfeit his license, and if he shall thereafter continue to retail spirituous liquors, shall be liable in the same manner as if he had not obtained a license.

Sec. 11. *Be it enacted*, That it shall be the duty of the clerks of the Circuit courts to pay over to the Treasurer of the State for the use of the State, the money or monies received by them, for licenses under the provisions of this act.

Sec 12. *Be it enacted*, That if the said clerks shall fail or neglect to take from persons applying for license as aforesaid, good and solvent securities as aforesaid in manner as aforesaid, that any clerk so failing, shall himself be held liable upon said bond, as if the same had been executed by him.

Sec. 13. *Be it enacted*, That it shall be the duty of the several justices of the peace and constables in this State, in their respective civil districts, or any other person, to observe and find out any violation of this act, and to notify the Attorney General forthwith to institute proceedings on said bond, if the violation be by a licensed retailer, and to enforce the same against him and his securities, and it shall further be the duty of said Attorney General, to enforce this act against such delinquents, whether he be a licensed retailer or other person.

Sec. 14. *Be it enacted*, That an act, entitled an act, to repeal all laws licensing tippling houses and for other purposes, passed January 26th, 1838, be and the same is hereby repealed, and also, that all laws and parts of laws, heretofore enacted, coming within the provision and meaning of this act, be and the same are hereby repealed.

Sec. 15. *Be it enacted*, That all laws prohibiting or in any manner restraining the sale of liquors not spirituous or ardent, such as wines, ale, porter, beer &c., be and the same are hereby repealed.

Sec. 16. *Be it enacted*, That the charter of the corporation of the town of Nashville, be so amended that the Mayor and Aldermen of the town of Nashville shall have power at any of the meetings of said body, there being not less than two thirds of the said body present to require a license to be taken out by persons having a license as provided under this act, to retail spirituous liquors, which license shall be granted by the recorder of said town: *Provided*, that said corporation shall not require for such license, more than the amount required by this act to be paid for a State license.

Sec. 17. *Be it enacted*, That whoever shall sell spirituous liquors, whether in a greater or less quantity than a quart, when the same is intended to be drank on the premises where the same is sold, not being a licensed retailer as prescribed by this act, shall be guilty of a misdemeanor and punished therefor as in other cases of misdemeanor.

Which being read, mr. Williams offered the following as an amendment to said bill, to-wit:

That all laws heretofore enacted tending to restrain the sale, or to

tax otherwise than to pay inspection fees, articles manufactured of the produce of this State.

Which being read, it was decided and ruled that mr Williams in offering said amendment was out of order.

Mr. Ross moved that said bill, with the amendments offered thereto, be laid on the table until the first day of July next—and the question thereupon being had, was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Ledbetter, Maclin, Martin, Matthews, Peyton, Reneau, Ross, and Sevier—12.

The negative voters were:

*M*essrs. Bradbury, Hardwicke, Jennings, Johnson, Laughlin, Miller, Motley, Nelson, Powell, Warner, Waterhouse, Williams, and mr. Speaker Turney—13.

So said motion to lay said bill on the table until the 1st day of July next, was rejected.

The question then recurred upon the adoption of the amendment offered by mr. Jennings, in lieu of the amendment offered by mr. Warner to said bill—and the question thereupon being had, was determined in the negative—ayes 7, nays 18.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Laughlin, Motley, Nelson, Reneau, and Waterhouse—7.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Johnson, Ledbetter, Maclin, Martin, Matthews, Miller, Peyton, Powell, Ross, Sevier, Warner, Williams, and mr. Speaker Turney—18.

So said amendment offered in lieu of the amendment of mr. Warner, offered to said bill, was rejected.

The question then recurred upon the adoption of the amendment offered by mr. Warner in lieu of the whole bill after the caption, which being had, was determined in the negative—ayes 12, nays 13.

Affirmative voters 12.

The ayes and noes being demanded,

The negative voters were:

*M*essrs. Ashe, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Martin, Matthews, Peyton, Reneau, Ross, and Sevier—13.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which was had and determined in the negative—ayes 10, nays 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Miller, Powell, Warner, Waterhouse, Williams and mr. Speaker Turney—10.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin,

Martin, Matthews, Motley, Nelson, Peyton, Reneau, Ross, and Sevier —15.

So said bill was rejected upon its first reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the rejection of said bill by the Senate upon its first reading.

On motion of mr. Ledbetter,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY, JAN. 25, 1842.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third time and passed the following entitled bills, to-wit:

A bill to incorporate the town of Hamilton, in Hamilton county.

A bill to amend an act entitled an act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education, passed 19th January, 1838, and an act supplemental thereto, passed 25th January, 1838.

A bill to prevent and suppress the issuing and circulating change bills or tickets of any denomination whatever.

A bill to amend an act entitled an act to incorporate the inhabitants of the town of Memphis, passed the 9th of December, 1826.

A bill for the relief of the owners of Iron works south and west of the congressional reservation line.

A bill to amend an act entitled an act to dispose of the lands in the Ocoee District, passed the 28th day of Nov. 1839, chap. 8.

A bill to require the Trustees of the Trenton Male Academy to pay over one half of the academy funds now accrued and unexpended and also one half the said funds hereafter to accrue to the Trustees of the Trenton Female Academy.

A bill to exempt certain persons from attending battallion and regimental musters.

A bill to regulate elections by the county courts.

A bill to incorporate the East Tennessee Manufacturing company.

A bill prescribing the duties of Sheriffs and other officers in certain cases.

A bill to repeal an act declaring the Ocoee river navigable.

A bill for the benefit of occupant settlers south and west of the congressional reservation line in certain cases.

A bill to incorporate the Trustees of the Tusculum Academy.

Which bills severally I am directed by the House of Representatives to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

Mr. Warner, chairman of the committee on claims, to whom had been referred the petition of Lot Hazzard, relating to certain land claims, reports that said committee have had the same under consideration, that the laws now in force provides for such claims, and that said committee had instructed him to report said petition and accom-

panying documents, and ask to be discharged from the further consideration thereof.

Which report being read the Senate concur therein, and said petition and accompanying documents was laid on the table.

Mr. Williams introduced a bill to incorporate the Williamsport Bridge company.

Which bill was read a first time and passed.

Mr. Reneau introduced a bill to repeal the seventh section of an act entitled an act to incorporate a literary institution at the town of Maryville, in Blount county, to be styled the Maryville College, passed the 14th of January, 1842.

Which bill was read a first time and passed.

Mr Peyton, chairman of the Committee on new Counties and County lines, to whom had been referred a petition of sundry citizens of Claibourne county praying that a new county be established out of part of Hawkins and Claibourne counties, reports that said committee have had the same under consideration, that said committee had instructed him to report said petition and recommend its transmission to the House of Representatives.

Which report being read the Senate concur therein.

Ordered that said petition be transmitted to the House of Representatives.

The Senate, on motion of mr. Foster, took up and considered a bill to extend the act of 1837-8, chapter 206, and to create a body politic and corporate, to be called the Mutual Insurance and Trust company of Columbia.

Which being read, mr. Foster moved to amend said bill by adding the following as a part of the 12th section of said bill:

"*Provided* that the provisions of this section shall not extend or embrace the Mutual Insurance and Trust company of Franklin, in the county of Williamson."

And the question upon the adoption of said amendment being had, was determined in the negative—ayes 10, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—10.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Motley, Ross, Warner and Waterhouse —13.

So said amendment was rejected.

Mr. Ledbetter moved the re-consideration of the vote of the Senate rejecting an amendment offered by mr. Foster to a bill from the House of Representatives to extend the act of 1837-8, chapter 206, and to create a body politic and corporate, to be called the Mutual Insurance and Trust company of Columbia.

And the question upon the re-consideration of the vote rejecting said amendment offered to said bill being had, was determined in the affirmative—ayes 13, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Frey, Laughlin, Ledbetter, *M*aclin, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, *M*artin, *M*atthews, *M*iller, *M*otley, Ross, Warner, and Waterhouse—11.

So said motion to re-consider the vote of the Senate rejecting said amendment prevailed.

When, on motion of mr. Ledbetter, said bill with the amendment was laid on the table.

Mr. Warner moved a re-consideration of the vote rejecting the resolutions from the House of Representatives as amended by the Senate, requiring the Banks in the State of Tennessee to resume specie payments.

Mr. Warner introduced a bill concerning the seat of government.

Which bill was read a first time and passed.

The Senate, on motion of mr. Ledbetter, took up and considered a message from the House of Representatives, transmitting the concurrence of the House of Representatives in an amendment made by the Senate, to a bill from the House of Representatives to abolish and discontinue spring musters and their court martials and drills, amending the second section of said bill, and non-concurring in the Senate's amendment, constituting the 7th section of said bill, establishing brigade camp drills in the 15th brigade, composed of the counties of Rutherford and Williamson.

On motion of mr. Ledbetter, the Senate recedes from the amendment made by the Senate to said bill constituting the seventh section thereof.

Ordered that the clerk re-transmit said bill to the House of Representatives and announce the Senate's recession from the amendment made to said bill constituting the 7th section.

The Senate, on motion of mr. Jennings, took up and considered a message from the House of Representatives transmitting an amendment made by the House of Representatives to the Senate's bill to authorise the banks of this State to issue notes of smaller denominations than five dollars.

The first amendment made to said bill consists in striking out of the caption thereof the words "Banks of the State," and inserting in lieu thereof "Bank of Tennessee."

Second amendment adding to said bill the following:

Provided that the issue of small notes shall be duly apportioned among the several branches of the Bank of Tennessee, and not confined alone to the principal bank at Nashville.

Which being read, on motion of mr. Jennings, the Senate concur in the amendments made by the House of Representatives to said bill.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate, on motion of mr. Miller took up and considered a bill from the House of Representatives, to authorise the transfer of certain

civil suits from Bradley county to Polk county.

Which bill was read a third and last time, and the question "Shall said bill pass?" was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate—was ordered to be transmitted to the House of Representatives for enrollment.

Mr. Williams introduced a bill to incorporate the Williamsport Bridge company.

Which bill was read a first time and passed.

Mr. Williams asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered a bill to establish a State Agricultural Society.

Which bill was read a third time—when

Mr. Williams moved to amend said bill by striking out the 11th section, which is in the following words, to-wit:

"Sec. 11. *Be it enacted*, That the Legislature shall have power at any time to alter, amend or repeal the charter, whenever in their opinion the public good requires it.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 11, nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—11.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Powell, Ross, Warner and Waterhouse—14.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which was had and determined in the affirmative—ayes 20, nays 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—20.

The negative voters were:

Messrs. Maclin, Matthews, Ross, Warner, and Waterhouse—5.

So said bill was passed upon its third and last reading—was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Peyton submitted the following:

Whereas, the question of the repudiation of State debts has recently been entertained to some extent in different portions of the Union, and has become a subject of discussion in the public journals; and

Whereas, by reason of such doubt and discussion, the credit of the States, even those in which the idea of repudiation of debts is itself

discountenanced, and repudiated, may become impaired and injured in the estimation of the citizens of foreign nations, with which this country holds relations of amity and extensive commercial intercourse, whose continued confidence it should be our pride, as well as our duty, as a sovereign and independent State to maintain—Therefore,

1. *Resolved by the General Assembly of the State of Tennessee*, That a prompt payment and fulfilment of all her debts, obligations, and engagements in good faith, is a paramount duty which cannot be disregarded or set aside, consistently with the honor of the citizen or of the State.

2. *Resolved*, That copies of the foregoing preamble and resolution be transmitted by the Governor to the President of the United States, the Executives of the several States, and our Representatives in Congress; which being read, was laid on the table.

The Senate, on motion of mr. Maclin, took up and considered a bill from the House of Representatives to incorporate the Memphis City Hotel Company in the town of *Me*mphis.

Which being read as amended a third time—when mr. Jennings moved to amend said bill by striking out an amendment offered by mr. *M*artin to the last section of said bill, and adopted by the Senate, which is as follows:

And that the private property of the stockholders shall be bound to secure the debts that said corporation may contract.

Which being read, and the question upon said amendment, by striking out the amendment adopted by the Senate to said bill, on motion of mr. *M*artin, being had, was determined in the affirmative—ayes 12, nays 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Maclin, Nelson, Peyton, Reneau, Sevier, Williams, and mr. Speaker Turney—12.

The negative voters were:

*M*essrs. Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Motley, Warner, and Waterhouse—9.

So said amendment was adopted by striking out the amendment made to the last section of said bill.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmative.

So said bill as amended was passed upon its third and last reading—was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate, on motion of mr. Martin, took up and considered a bill to secure the estates of Orphans.

Which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives for the relief of securities and endorsers in certain cases.

Which bill was read a first time and passed.

The Senate, on motion of mr. Johnson, took up and considered a

message from the House of Representatives, transmitting a resolution adopted by the Senate proposing to cede to the United States that portion of the State of Tennessee, commonly called East Tennessee, to be erected into a separate and independent State sovereignty, to be called the State of *Frankland*, with certain amendments made by the House of Representatives thereto.

Which being read, mr. Johnson moved a non-concurrence in said amendments, and that the Senate send an insisting message that the House of Representatives recede from the said amendments to said resolutions.

Which being considered, the Senate non-concur in the amendments made to said resolutions.

Ordered that the clerk acquaint the House of Representatives with the non-concurrence of the Senate in the amendments of the House made to said resolutions, and ask a recession of said amendment and a concurrence in said resolution.

The Senate, on motion of mr. Powell, took up and considered a bill to authorize the sale of the bonds of the State, (known as the river bonds,) allotted to East Tennessee and the Western District by the act of 1837–8, and for other purposes—being the order of the day for this day.

Which being read, mr. Powell moved to amend said bill by adding after the 4th section the following, to-wit:

Sec. 5. *Be it enacted*, That the proceeds of the sales of the public lands that may be appropriated to this State under the act of Congress entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, that portion authorized by the Constitution of this State to be appropriated to internal improvements shall be applied to the payment of the State bonds authorized by this act to be negotiated, provided said proceeds of public lands shall be received by this State.

Which being read, mr. Turney moved to amend said bill by adding thereto the following:

Be it enacted, That it shall be the duty of the Governor to execute and deliver to the commissioners of Fentress county the ten thousand dollars in bonds of such size as may be required to be by them expended and paid for the improvement of the rivers in Fentress county, and said bonds shall be paid in the manner pointed out by this act: *Provided*, that no other bonds shall issue to said county, and that said bonds shall be taken from the river bonds appropriated to Middle Tennessee.

Which being read, mr. Turney afterwards withdrew.

The question then recurred upon the adoption of the amendment proposed by mr. Powell to said bill, which was thereupon had and determined in the affirmative—ayes 16, nays 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—16.

The negative voters were:

*M*essrs. Hardwicke, Laughlin, Ledbetter, *M*artin, *M*atthews, *M*otley, Peyton, Ross, and Warner—9.

So said amendment was adopted.

On motion of mr. Ross,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives has read a third time and passed

A bill for the revision of the statute laws of the State of Tennessee, which I am directed to transmit to the Senate, and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled

An act to amend an act entitled an act to reform and amend the penal laws of the State of Tennessee, passed 9th day of December. 1829. Also,

An enrolled resolution directory to the Superintendent of Public Instruction. Also,

An enrolled resolution directory to the Comptroller of the Treasury. authorising him to settle the account of the sheriff of Humphreys county for the taxes due the State for the year 1840; which I am directed to transmit to the Senate. And then he withdrew.

Whereupon, the Speaker of the Senate did sign said enrolled act and said enrolled resolutions severally, and ordered that said enrolled act and enrolled resolutions be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered the following bills from the House of Representatives, upon their first reading in the Senate, to-wit:

A bill explanatory of an act passed Dec. 2, 1831, entitled an act to prevent the violation of graves, &c.

A bill to amend the second section of an act entitled an act to incorporate the Clarksville Marine and Fire Insurance and Life and Trust Company, passed 15th January, 1840.

A bill to amend the law of descents in certain cases.

A bill to amend an act entitled an act to establish a State Bank, to raise a fund for internal improvements, and to aid in the establishment of a system of education, passed 19th January, 1838, and an act supplemental thereto, passed 25th January, 1838.

A bill to incorporate the town of Harrison, in Hamilton county.

A bill to dispose of that portion of the moneys arising from the sale of the public lands, to which Tennessee may be entitled under the act of Congress of the extra session of 1841, commonly called the distribution bill.

A bill to incorporate the East Tennessee Manufacturing Company.

Which bills were severally read a first time and passed.

The Senate took up and considered a bill from the House of Representatives for the revision of the statute laws of the State of Tennessee; which bill was read a first time, when

Mr. Ledbetter moved the indefinite postponement of said bill, and the question thereupon being had, was determined in the affirmative. So said bill was indefinitely postponed upon its first reading.

Ordered, that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate, on motion of mr. Peyton, took up and considered a bill from the House of Representatives to diminish the corporate limits of the town of Gallatin; which bill was read a second time and passed.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled a bill entitled an act to incorporate the State Agricultural Society.

Whereupon, the Speaker of the Senate did sign said enrolled act, and ordered that the same be transmitted to the House of Representatives.

Mr. Peyton submitted the following:

1. *Resolved by the General Assembly of the State of Tennessee,* That there shall be three commissioners, one from each grand division of the State, appointed by this General Assembly, to examine into the condition of the branches of the Bank of Tennessee, and report to the next Legislature.

2. *Resolved,* That said commissioners shall be commissioned by the Governor of the State, and that such commissioners shall be received by the President and Directors of said branches of the Bank of Tennessee, as full and sufficient authority to justify said President and Directors to afford to such commissioners full and unrestricted facilities to examine the books, papers and money, and all things pertaining to said branches.

3. *Resolved,* That said commissioners shall have full power to send for persons and papers, and administer oaths to such witnesses as may be deemed necessary to exhibit a full and satisfactory condition of said banks, and the manner in which they have been managed.

4. *Resolved,* That said commissioners shall make their report on oath to the next General Assembly, and shall receive for their services the sum of three dollars each per day.

5. *Resolved,* That should the Governor feel it to be his duty to convene the Legislature in extra session, he is hereby requested to present this subject to the General Assembly that may convene in extra session in pursuance of his proclamation, in order that the report of said bank commissioners may be presented to the Legislature at the earliest day practicable.

Which being read, was laid on the table.

The Senate, on motion of mr. Powell, resumed the unfinished business of the morning, being a bill to authorise the sale of the bonds of the State (known as the River bonds) allotted to East Tennessee and

the Western District by the act of 1837–8, and for other purposes; when

Mr. Laughlin moved the following amendment to said bill:

Be it enacted, That the bonds authorised to be sold by this act shall not, under any pretext, be sold for less than their par and nominal value, in specie or its equivalent, nor shall the Bank of Tennessee advance any money on the same, in any form, unless the market value and price of said bonds shall be at par; which being read,

Mr. Laughlin moved the adoption of said amendment, and the question thereupon being had, was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Motley, Peyton, Ross, Warner and Waterhouse—11.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—14.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which was had and determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Motley, Peyton, Ross, Warner and Waterhouse—11.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Turney, took up and considered a bill to settle the claims of the improvers of the rivers in Fentress county; when

Mr. Turney asked and obtained leave to withdraw said bill for amendment.

The Senate, on motion of mr. Johnson, took up and considered a message from the House of Representatives, transmitting a certain preamble and resolutions adopted by the House of Representatives, instructing our Senators in Congress, (if there be any elected,) and requesting our Representatives, to vote for the repeal of the bankrupt law; which being read,

On motion of mr. Johnson, the consideration of said preamble and resolutions is made the order of the day for to-morrow, the 26th instant.

The Senate on motion of mr. Foster took up and considered a bill from the House of Representatives to extend the act of 1837-8, chapter 206, and to create a body politic and corporate, to be called the Mutual Insurance Company of Columbia,

Which bill being read a second time, and the question recurring upon the adoption of the amendment heretofore offered by mr. Foster, constituting part of the 12th section of said bill being had, was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, maclin, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Hardwicke, Johnson, Laughlin, martin, matthews, Miller, Motley, Ross, Warner and Waterhouse—11.

So said amendment was adopted.

Mr. Ross moved to amend said bill by adding the following section thereto as follows:

Be it enacted, That any future Legislature shall have power to alter, amend or repeal said charter, if in their opinion the public good requires it,

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Johnson, Laughlin, maclin, martin, matthews, miller, motley, Ross, Warner and Waterhouse—11.

The negative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Ledbetter, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—12.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which was had and determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Hardwicke, Johnson, maclin martin, matthews, miller, Motley, Ross, Warner and Waterhouse—11.

So said bill as amended was read a second time and passed.

On motion of mr. Ashe,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JAN. 26, 1842.

A message from the House of Representatives by mr. *M*itchell their clerk:

Mr. Speaker: The House of Representatives have taken up, read a third time and passed the following entitled bills, to wit:

A bill to appoint commissioners of the Bean's Station Turnpike road, and for other purposes.

A bill to amend the second section of an act, entitled an act, to prevent the poisoning of fish in any of the waters of this State, passed November 19th, 1832, chapter 74.

A bill to amend the charter of the Obion Turnpike Company—which bills I am directed to transmit to the Senate, and to ask a concurrence therein.

The House of Representatives have taken up and considered the report of the joint Select committee concurred in by the Senate, relating to the number of Acts and Journals of the present General Assembly to be printed, and non-concur therein, and amend—which I am directed to transmit to the Senate and ask a concurrence in said amendments.

The House of Representatives have adopted a resolution directory to the Secretary of State, relating to the appointment of an agent at Knoxville, with power to receive and receipt for that portion of the Acts and Journals of the present General Assembly to which East Tenessee may be entitled—which I am directed to transmit to the Senate and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign the following enrolled bill, entitled an act to authorise the Bank of Tennessee to issue notes of a smaller denomination than five dollars.

The Speaker of the House of Representatives has signed an enrolled resolution for the relief of John England and for other purposes—which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the the Speaker of the Senate ordered that said enrolled act and enrolled resolution be deposited in the office of the Secretary of State, for the State of Tennessee.

The Senate took up and considered a bill from the House of Representatives to authorise the payment of certain monies therein mentioned, to the common school district commissioners, of the 11th school district of McNairy county.

Which bill was read a third and last time, and the question, shall said bill pass, was had and determined in the affirmative.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate on motion of mr. Johnson, took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House of Representatives, instructing our Senators in Congress, if there be any elected, and requesting our Representatives to vote for the repeal of the Bankrupt law, and asking the concurrence of the Senate therein, the consideration of which, by a rule of the Senate, is made the order of the day for this day.

Which being read, and the question upon a concurrence in the adoption of said resolution being had, was determined in the affirmative—ayes 18, noes 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Hardwicke, Jennings, Johnson,

Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Powell, Ross, Warner, Waterhouse and Williams—18.

The negative voters were:

Messrs. Frey, Nelson, Peyton, Reneau and Sevier—5.

So the Senate concur in said resolutions.

Ordered that the clerk transmit said resolution to the House of Representatives and announce the concurrence of the Senate therein.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act to authorise the transfer of certain civil cases from Bradley county to Polk county—which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered a bill to repeal the seventh section of an act, entitled an act, to incorporate a Literary institution at the town of Maryville, in Blount county, to be styled the Maryville College, passed the 14th of January, 1842,

Which bill was read a second time and passed.

Mr. Hardwicke submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the ninth section of the eleventh article of the constitution of the State of Tennessee, be so amended as to prohibit the General Assembly from directing the issuance of State bonds in any manner, or for any purpose, except it becomes necessary in the liquidation of those already issued, or to be issued under the existing laws of the State.

Which being read, was laid on the table.

Mr. Laughlin submitted the following:

Resolved by the General Assembly of the State of Tennessee, That when the same shall be properly passed and ratified, the following shall form and constitute a part of the constitution of the State of Tennessee, to wit:

The General Assembly shall have no power to create State debts by pledging the faith of the State by law or otherwise, nor power to borrow money, except to pay the current expenses of civil government, or to suppress invasion or insurrection.

Which being read, was laid on the table.

The Senate, on motion of mr. Waterhouse, took up and considered a motion made by mr. Turney to re-consider the vote of the Senate rejecting a bill to authorize the President and Directors of the Planters' Bank of Tennessee, to withdraw its branch from Athens and to establish a branch at Chattanooga, in Hamilton county.

And the question upon the re-consideration of said vote, rejecting said bill, being had, was determined in the affirmative.

So the Senate agree to re-consider said bill.

On motion of mr. Waterhouse, said bill was laid on the table.

*M*essrs. Lewis Reneau and John R. Nelson, Senators, presented the following, and asked to have the same enrolled upon the journal of the Senate as their protest against the adoption of a certain resolution proposing to instruct our Senators in Congress, when elected, and requesting our Representatives to vote for a repeal of the Bankrupt law—which is as follows, to wit:

To the resolution this day adopted instructing our Senators and Representatives in Congress to give their support to a repeal of a law, passed at the last session of Congress, commonly called the Bankrupt law, the undersigned protest, and offer the following as their reasons, to-wit: That the Fathers of the Revolution, in framing the great charter of human liberty, the Constitution for the government of the United States, expressly provided that Congress should have power to pass a uniform system of Bankruptcy; and it was the opinion of General Jackson, as declared in his message to Congress in December, 1827, (see book of messages, page 365) that policy, justice and humanity required the passage of such a law in relation to government debtors, and must therefore have held the same opinions in relation to other debtors also. In this message he says: "In connection with the foregoing view I would suggest also an inquiry, whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the Government from imprisonment, may not consistently with the public interest be extended to a releasement of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy," says he, "than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them and would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted, can only serve to dispirit the debtor, or where his resources are but partial, the want of power in the government to compromise *and release the demand* instigates to fraud as the only resource for securing support to his family. He thus sinks into a state of apathy and becomes a useless drone in society, or a vicious member of it, or a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprize, and it should be the care of a republic not to exert a grinding over misfortune and poverty."—(See Van Buren's special message of September, 1827, book of messages, 623.) The undersigned admit that there are imperfections in the law passed at the called session of Congress, commonly called "The Bankrupt Law," but believe that the importance of the subject, and the opinions of General Jackson and Martin Van Buren, together with the opinions of those who framed the Constitution, are, upon this subject, entitled to a respectful consideration. This law being the result of a first attempt at legislation upon that important subject, it would be unreasonable to expect it to have produced a perfect system of Bankrupt laws. Time and experience are necessary to the perfection of laws upon any and all important subjects.

The undersigned believe it to be the right and privilege of the people to make themselves acquainted with and judge of the provisions

of this law, and that it is their right, and not the right of a few politicians, to instruct their Representatives in Congress upon this subject, and to require them to so amend it that its supposed benefits may be tested, or if it should be their pleasure, it is their right to direct its repeal without further attempts to make it perfect.

They believe that neither the Constitution of the United States, nor that of the State of Tennessee gives any right or power to the General Assembly, or its members as such, to instruct members of Congress upon the subject of their official duty.

The members of both the branches of Congress are all the public servants of the people, elected to protect their rights and to promote their peace, prosperity and happiness.

They are not elected to represent the General Assembly, or its members as such, nor does the Constitution of the United States or the State of Tennessee require any such duty of them.

The power by which the General Assembly elects Senators to Congress, is a power delegated by the people through the Constitution to be exercised by its members as their servants and for their benefit, and that Senators and Representatives in Congress are the public servants of the people, and are not the servants or agents of the General Assembly, nor of its members. These public servants are, therefore, responsible to the people for their conduct, and they have a constitutional right to instruct them. Members in Congress, both Senators and Representatives, being constitutionally and in fact the servants of the people, elected to attend to their interest and responsible to them, and the people having a right to instruct them and command their services, it follows in reason, as it does in fact, that the Constitution ought not, and in fact does not, either expressly or impliedly, give to the General Assembly, or its members as such, any right or power to instruct Senators or Representatives in Congress.

Any such right would be inconsistent with the rights of the people. It would be placing two inconsistent, instructing and controlling powers over this class of public servants; and *"no man can serve two masters."*

They further believe, that the practice of State Legislatures attempting to control the action of Congress by instructions, is an usurpation of power, which constitutionally belongs to the people. They believe it to be at war with the whole genius and spirit of our government, and that no authority can be found, either express or implied, for it in the constitution.

For these reasons, the undersigned offer this, their protest, against said resolution and vote, and respectfully ask to have the same entered upon the journals.

LEWIS RENEAU,
JOHN R. NELSON.

Which being read, was ordered to be enrolled upon the journals of the Senate.

The Senate, on motion of mr. Jennings, took up and considered a bill from the House of Representatives to establish a Criminal court for the county of Davidson; which bill was read a third time, when

Mr. Foster offered the following amendment to said bill, constituting the 12th section, as follows, to-wit:

Sec. 12. *Be it enacted*, That the judge of said Criminal court shall not practice as attorney or counsellor in any court of law or equity in this State; which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Jennings moved to amend said bill, by adding thereto the following, constituting the 13th section of said bill, as follows:

Sec. 13. *Be it enacted*, That in every case which may come up for trial before said court, and in which the judge may be legally disqualified to act, the said judge shall certify the same to the judge of the Circuit court of Davidson county, whose duty it shall thereupon become, to sit in the trial of such case, in place of the judge so disqualified, and at a period as early as may be consistent with a proper discharge of the other duties of his station; which being read and considered by the Senate, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Laughlin, *M*aclin, Powell, Ross and Sevier—10.

The negative voters were:

Messrs. Hardwicke, Johnson, Ledbetter, *M*artin, *M*atthews, *M*iller, *M*otley, Nelson, Peyton, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—14.

So said bill was rejected upon its third and last reading.

*M*r. Reneau moved a re-consideration of the vote of the Senate rejecting a bill to establish a Criminal court for the county of Davidson, upon its third and last reading.

And the question upon the re-consideration of said vote rejecting said bill, being had, was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, *M*aclin, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Johnson, *M*artin, *M*atthews, *M*iller, *M*otley, Nelson, Warner and Waterhouse—8.

So said motion to re-consider said vote rejecting said bill, prevailed. And the Senate will further consider said bill.

Mr. Jennings asked and obtained leave to withdraw said bill for amendment.

The Senate, on motion of mr. Laughlin, took up and considered a bill to alter the time of holding the Circuit courts of Cannon county; which bill being read,

Mr. Laughlin moved to amend said bill, by striking out of the cap-

tion thereof, and out of said bill, the word "Cannon," wherever the same occurs, and insert in lieu thereof the word "Warner;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Foster moved the re-consideration of the Senate's vote of yesterday, postponing indefinitely, a bill from the House of Representatives to revise the laws of the State of Tennessee,

And the question upon the vote indefinitely postponing said bill was had, and determined in the negative—ayes 9, noes 14.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Jennings, Laughlin, maclin, Peyton and Reneau—9.

The negative voters were:

Messrs. Frey, Johnson, Ledbetter, Martin, matthews, miller, *M*otley, Nelson, Powell, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—14.

So said motion to re-consider the Senate's vote indefinately postponing said bill, was rejected.

On motion of mr. Bradbury,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Foster returned a bill from the House of Representatives to authorise and require the entry taker of the Ocoee district to refund money in certain cases, by him withdrawn for amendment, with the following amendment constituting the 4th and 5th sections of said bill as follows:

Sec. 4. *Be it enacted*, That all person or persons claiming to have money refunded under the provisions of this act, shall present to the Judge of the 3d Judicial circuit in vacation or term time, his or their petition, setting forth and describing his or their entry, its number and quantity of land, and range and section, and money paid into office, together with the character and description of the occupant entries so interfering and taking the land or the part of the land of such a person, or the assignee of such person or persons, being a general enterer; and if such Judge shall be satisfied from the law of the land, and the legal testimony adduced before him, that the land, or part of the land of such person or persons, or the assignees of such person or persons being a general enterer, has been taken from such person or persons, or the assignee of such person or persons, and that such land so entered by the general enterer was in the first instance *bona fide* entered, and without any collusion between said general enterer and the occupant claimant, and if such Judge

shall be further of opinion that such general enterer at the time of making his entry was ignorant of the occupant claim or entry so interfering with the claim of such general enterer, and that such inteference between said entry claim and occupant was without the procurement or inducement under covert of said general enterer; it shall be the duty of such Judge, after a full examination of the testimony and law, to give a certificate to the person or persons so presenting said petition for the amount of money to be refunded to him, her or them, under this act, because of the loss of the whole of the land or so much thereof as shall be lost by reason and from the causes aforesaid, and which sum of money upon the presentation of said certificate to the entry taker of the Ocoee district, he is hereby directed to pay and register said certificate.

Sec. 5. *Be it enacted*, That the person or persons so presenting a petition under this act, whether in term time or in vacation, shall give to the Entry Taker of the Ocoee District five days previous notice thereof in writing, and it is hereby made the duty of said Entry Taker in behalf of the State, to attend to said proceedings under said petition and to the taking and procuring testimony, which petition or petitions, if prosecuted in term time, shall be presented to said judge at Cleveland and Benton.

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended was read a third and last time; and the question recurring upon the passage of said bill was had and determined in the affirmative— ayes 15, nays 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Laughlin, maclin, martin, matthews, miller, Reneau, Ross, Sevier, Warner, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Johnson, motley, Nelson, and Waterhouse—4.

So said bill as amended was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the Senate's amendments to said bill and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives for the relief of George C. Bradley, former Jailor of Hawkins county.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative— ayes 15, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Johnson, Laughlin, Ledbetter, maclin, martin, miller, Peyton, Powell, Reneau, Ross, Warner, Williams and and mr. Speaker Turney—15.

The negative voters were:

Messrs. Frey, matthews, motley, Nelson, Sevier and Waterhouse—6.

So said bill was passed upon its third and last reading, and was or-

dered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the act of 1836, chapter 43, in relation to attachments.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 17, nays 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *M*atthews, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Williams and mr. Speaker Turney—17.

The negative voters were:

*M*essrs. *M*aclin, *M*artin, *M*atthews, *M*iller and Nelson—5.

So said bill passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the act of 1831, chapter 24.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 16, nays 4.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, *M*aclin, *M*otley, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Martin, Matthews, Miller, and Nelson—4.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to amend an act entitled an act for the benefit of the widows of intestates and for other purposes, passed 16th December, 1813, so as to extend to orphans.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 19, nays none.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Nelson, Reneau, Ross, Sevier, Warner and Waterhouse, Williams and mr. Speaker Turney—19.

The negative voters—None.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the laws providing for the collection and paying over the State and county taxes, and for other purposes.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 17, nays 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Motley, Nelson, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—17.

The negative voters were:

Messrs. Martin, Matthews, and Miller—3.

So said bill was passed upon its third and last reading—was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the laws of this State in relation to securities, to subject both real and personal property of the principal debtor to execution and sale before either the real or personal property of the securities shall be liable.

Which bill being read a third and last time, and the question upon the passage of said bill, being had was determined in the negative—ayes 10, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Maclin, Motley, Reneau, Sevier and Warner—10.

The negative voters were:

Messrs. Jennings, Johnson, Laughlin, matthews, Nelson, Powell, Ross, Waterhouse, Williams and mr. Speaker Turney—12.

So said bill was rejected upon its third and last reading.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill by the Senate.

The Senate took up and considered a bill from the House of Representatives to authorise the Governor of Tennessee to commute capital punishment, to imprisonment for life in the Penitentiary in certain cases.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 15, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Maclin. Motley, Nelson, Powell, Reneau, Ross, Sevier, Waterhouse and mr. Speaker Turney—15.

The negative voters were:

Messrs. Johnson, Martin, Matthews, Miller, Warner, and Williams—6.

So said bill was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives relating to lands in the Ocoee District, and the locations of entry for the same.

Which being read, mr. Miller moved the following amendment to said bill, to-wit:—

Sec. . *Be it enacted*, That the Entry Taker of the Ocoee District, shall hereafter have the following fees for entries made in his office: for entering forty acres, thirty-seven and a half cents; for entering eighty acres, forty-three and three-fourth cents; for entering one hundred and sixty acres, fifty cents.

Sec. *Be it enacted*, That the fees of the Register of the Ocoee District be hereafter as follows: Seventy-five cents for each grant issued by him.

Which being read, mr. Nelson moved to lay said amendment on the table, and the question thereupon being had, was determined in the negative—ayes 10, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

*M*essrs. Foster, Frey, Hardwicke, Jennings, Laughlin, *M*otley, Nelson, Sevier, Waterhouse and Williams—10.

The negative voters were:

*M*essrs. Johnson, *M*aclin, *M*artin, *M*atthews, *M*iller, Powell, Reneau, Ross, Warner, and mr. Speaker Turney--10.

So said motion to lay said amendment on the table was rejected.

The question then recurred upon the adoption of the amendment offered by mr. Miller to said bill, which being had, was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson, Martin, Miller, Powell, Reneau, Warner, Water house and mr. Speaker Turney—8.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Matthews, Motley, Nelson, Ross, Sevier and Williams—13.

So said amendment was rejected.

Mr. Waterhouse moved to amend said bill by adding to the third section the following: "*Provided*, said enterer shall specially request the same to be done, and not otherwise;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill, and ask a concurrence therein.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third and last time and passed the following entitled bills, to-wit:

A bill to impose certain duties on overseers of roads.

A bill to incorporate the town of Durhamsville, in the county of Lauderdale.

A bill to amend the militia laws of this State.

A bill to extend the limits of the corporation of the town of Lebanon, in Wilson county.

Which bills I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives concur in the Senate's amendment to the bill from the House to incorporate the Memphis City Hotel Company, in the town of Memphis.

The House of Representatives concur in the resolution of the Senate, proposing to meet the House in their Hall in convention on Thursday, the 27th instant, for the purpose of electing three Inspectors for the penitentiary for the two ensuing years.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to regulate the duties of clerks in certain cases; which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 22, noes 00.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Johnson, Laughlin, Ledbetter, *Ma*clin, *Ma*rtin, *Ma*tthews, *Mi*ller, *Mo*tley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—22.

Negative voters, 00.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to charter the District Central Turnpike Company, and for other purposes; which bill was read a third time, when

Mr. Laughlin moved to amend said bill by adding the following, constituting the 8th section of said bill, as follows:

Sec. 8. *Be it enacted*, That the Superintendent of Public Instruction is hereby required and authorised to give time until the first day of October, 1843, to the Nashville, Murfreesborough and Shelbyville Turnpike Company, for the payment of a judgment recovered against said company in the Circuit court of Davidson county for about the sum of twelve thousand dollars: *Provided always*, that before he shall give such time, any security who may be bound for the amount of said judgment, shall file with the clerk of said court their written assent to such delay, and agreeing to remain bound until said judgment is paid: and also, *Provided*, that the said amount for which said

judgment is recovered, shall bear interest until the whole amount is paid; which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question recurring upon the passage of said bill being had, was determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House with the Senate's amendments to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to establish a Chancery court in the county of Grainger, and for other purposes; which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Johnson, *M*aclin, *M*iller, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—12.

The negative voters were:

*M*essrs. Foster, Frey, Hardwicke, Laughlin, Ledbetter, *M*artin, *M*atthews, *M*otley, Nelson and Ross—10.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives for the relief of William Croom, of the county of Madison, and for other purposes; which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 16, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, martin, Miller, motley, Peyton, Powell, Reneau, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Frey, matthews, Nelson, Ross, Warner and Waterhouse—6.

So said bill was passed upon its third and last reading in the Senate, and ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the laws in relation to forcible entry and detainer; which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 14, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, martin, Peyton, Powell, Ross, Waterhouse and mr Speaker Turney—14.

The negative voters were:

Messrs. Ashe, Matthews, Miller, Motley, Nelson, Reneau, Sevier, Warner and Williams—9.

So said bill, as amended, was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to prevent the release of property levied upon, when a certiorari is sued out under the pauper law, and for other purposes; which bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Johnson, Ledbetter, Reneau, Waterhouse, Williams and mr. Speaker Turney—8.

The negative voters were:

Messrs. Ashe, Frey, Hardwicke, Laughlin, Maclin, Martin, Matthews, Miller, Nelson, Powell, Ross, Sevier and Warner—12.

So said bill, as amended, was rejected upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk announce to the House of Representatives the rejection of said bill by the Senate.

The Senate took up and considered a bill from the House of Representatives to amend the 13th section of the act of 1835, chap. 15, in relation to tax collectors; which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 18, noes 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Ashe, Maclin, Martin and Nelson—4.

So said bill was passed upon its third and last reading in the Senate, and ordered to be transmitted to the House of Representatives for enrollment

The Senate took up and considered a bill from the House of Representatives to amend the criminal laws of the State.

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 16, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Miller, Nelson, Peyton, Powell, Sevier, Waterhouse, and Williams—16.

The negative voters were:

*M*essrs. martin, matthews, Reneau, Ross, Warner, and mr. Speaker Turney—6.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend the acts of 1827, chapter 57, and the act of 1829, chapter 11.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the negative—ayes 9, nays 12.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Jennings, Johnson, Laughlin, Ross, Warner, Waterhouse, and mr. Speaker Turney—9.

The negative voters were:

Messrs. Frey, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Sevier, and Williams—12.

So said bill was rejected upon its third and last reading in the Senate.

Mr. Ledbetter moved that the Senate re-consider the vote rejecting a bill from the House of Representatives to amend the acts of 1827, chapter 57, and the act of 1829, chapter 11—which motion prevailing,

Said bill was again read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 15, nays 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Jennings, Laughlin, Ledbetter, *M*artin, Peyton, Reneau, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Frey, *M*atthews, *M*iller, *M*otley, Nelson, Powell, and Sevier—7.

So said bill was passed upon its third and last reading in the Senate—was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to regulate the draining of swamp lands, which bill was read a third time—when mr. Laughlin moved to amend said bill by adding thereto the following proviso:

Provided, that no ditch shall be opened by authority of this act if the same shall run between the dwelling house or any outhouses, or between the dwelling house and garden, or within one hundred yards of such dwelling house, unless the owner of the land through which such ditch shall pass expressly consent to the same.

Which being read and considered by the Senate, said amendment was adopted,

And said bill as amended was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 19, nays 4.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, martin, matthews, miller, Peyton, Powell, Reneau, Ross, Warner, Williams and mr. Speaker Turney—19.

The negative voters were:

Messrs. motley, Nelson, Sevier, and Waterhouse—4.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House.

Ordered that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill, and ask a concurrence therein.

The Senate took up and considered the following bills from the House of Representatives upon their third and last reading, to-wit:

A bill to diminish the corporate limits of the town of Gallatin.

A bill for the relief of persons building machinery propelled by water power.

A bill to authorize the issuing of grants in the Hiwassee district in certain cases.

Which bills were severally read a third and last time and passed.

Ordered that said bills be transmitted to the House of Representatives for enrollment.

Mr. Peyton introduced the following:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the State be directed to allow William Rice, sheriff of Sumner county, his commissions on the State tax collected by him for the year 1840.

Which being read and the rule suspended, said resolution was adopted.

Mr. Warner introduced a bill for the relief of the citizens of this State.

Which bill was read a first time and passed.

The Senate took up and considered a bill to amend an act entitled an act to establish a State Bank to raise a fund for internal improvements, and to aid in the establishment of a system of education, passed 19th January, 1838, and an act supplemental thereto, passed 25th January, 1838.

Which being read a second time—when mr. Powell moved to amend said bill by adding thereto the following proviso:

Provided, said Bank and branches shall resume the payment of specie on all their notes when presented on or before the first day of July next.

Which being read, on motion of mr. ———, said bill was laid on the table.

On motion of mr. Martin,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, JAN. 27, 1842.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third time and passed the following entitled bills, to-wit:

A bill to confer certain powers on the Mayor and Town Constable of Shellbyville and Fayetteville.

A bill to incorporate the Penitentiary Turnpike Company.

A bill to authorize the refunding of money to sheriffs and tax collectors in certain cases.

A bill to amend the laws now in force in relation to free persons of color.

A bill to repeal the third section of an act incorporating the town of Tazewell.

A bill requiring bonds to be given by Attorneys General for paying over public moneys by him collected.

A bill for the benefit of the clerk of the Supreme Court at Jackson.

A bill to authorize Samuel Henry, sen., of Blount county to build a dam across Little River in said county.

A bill to restore John Wilson of Blount county to the privileges of a citizen.

A bill to incorporate the Brownsville Female Institute at Brownsville, in Haywood county.

A bill to revive the charter of the Nashville Bank.

A bill to provide for the payment of the record books for the use of the Supreme Court of this State.

A bill to withdraw the stock and cancel the bonds of the State subscribed and issued to the Louisville, Cincinnati and Charleston Rail Road Company.

Which I am directed to transmit to the Senate, and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign an enrolled bill entitled an act to abolish and discontinue spring musters, and their court martials and drills—which I am directed to transmit to the Senate. And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be re-transmitted to the House of Representatives, for the further action of the House thereon to be had,

Mr. Matthews presented the petition of sundry citizens of the counties of Dickson, Hickman, Williamson and Davidson, against the passage of a law establishing the Penitentiary Turnpike road,

Which being read, was laid on the table.

Mr. Laughlin introduced a bill to regulate banking corporations in this State, and to define the Jurisdiction of courts of Chancery, in relation to the same,

Which bill was read a first time and passed.

Mr. Jennings returned a bill from the House of Representatives, to establish a Criminal court in the county of Davidson, by him withdrawn for amendment, without amendment.

Which bill as amended was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative —ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Powell, Reneau, Ross and Sevier—13.

The negative voters were:

Messrs. Johnson, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Warner, Waterhouse, Williams and mr. Speaker Turney —12.

So said bill as amended was passed upon its third and last reading, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill and ask a concurrence therein.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken a recess preparatory to going into the elections set apart by the joint resolution of the General Assembly fixing this day.

And then he withdrew.

The Senate then took a recess preparatory to meeting the House of Representatives in their Hall on this day, to go into the elections set apart for this day.

And the Senate afterwards being called to order by mr. Speaker Turney.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives is now ready to receive the Senate in its Hall for the purpose of going into the election of Inspectors for the Penitentiary of the State of Tennessee, in conformity with the joint resolution of the Senate and House of Representatives.

And then he withdrew.

Whereupon mr. Speaker Turney and gentlemen of the Senate repaired to the Hall of the House of Representatives, to go into the elections set apart for this day.

Mr. Speaker Turney of the Senate, and mr. Speaker Douglass of the House of Representatives, in the chair.

The resolution calling the convention of the Houses of the General Assembly being read, when

Mr. Speaker Turney declared that nominations was now in order, whereupon

Mr. Hardwicke of the Senate, nominated messrs. Robert C. Foster Sen'r, William Carroll and John Harding, as candidates for the appointment of Inspectors of the Penitentiary.

The convention then proceeded *viva voce* to elect three Inspectors of the Penitentiary for the next two years.

Senators who voted for messrs. Foster, Carroll and Harding, were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—25.

The voters of the House of Representatives for messrs. Foster, Carroll and Harding, as reported, being seventy-one, making in all ninety-six votes, being a majority, and all the votes cast in said convention.

Whereupon the Speaker of the Senate declared that Robert C. Foster Sen'r, William Carroll and John Harding, were duly and constitutionally elected Inspectors of the Penitentiary for the two years next ensuing.

Whereupon the convention rose and mr. Speaker Turney and gentlemen of the Senate, repaired to their own chamber and resumed their session.

The Senate took up and considered the following entitled bills from the House of Representatives, on their first reading, to wit:

A bill to authorise the refunding of money to Sheriffs and tax collectors in certain cases.

A bill for the benefit of the clerk of the Supreme court at Jackson.

A bill to confer certain powers on the Mayor and town Constable of Shelbyville and Fayetteville.

A bill to amend an act, entitled an act, to amend an act entitled an act, to dispose of the lands in the Ocoee district, passed the 28th day of November, 1839, chapter 8.

Which several bills were read a first time and passed.

The Senate took up and considered a bill from the House of Representatives for the benefit of witnesses in State cases.

Which bill was read a first time and rejected.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

A message from the House of Representatives by mr. Mitchell their Clerk:

Mr. Speaker: The House of Representatives have adopted a resolution, that the Senate meet the House of Representatives in convention in the Representative Hall on Wednesday, the 2d day of February next, for the purpose of electing a Judge of the Criminal court of Davidson county, which I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives have adopted a resolution, that a joint Select committee be appointed, one on part of the Senate, and one on part of the House of Representatives, to settle with the Treasurer of the State, and the Comptroller of the Treasury, and make report thereof to the called session, if there should be any, if not then to the next stated session, and have appointed of said committee on part of the House of Representatives mr. Buck, which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives have considered a resolution adopted by the Senate, directing the Comptroller of the Treasury to issue to the Trustee of Henderson county, a duplicate warrant, No. 3145, for nineteen hundred and seventy three dollars and forty-five cents, and concur therein.

And then he withdrew.

Mr. Ashe moved that the Senate adjourn until two o'clock P. M.

And the question thereupon being had, was determined in the affirmative —ayes 14, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, maclin, martin, motley, Nelson, Peyton, Ross, Sevier, Waterhouse and mr. Speaker Turney—14.

The negative voters were:

Messrs. Frey, Johnson, Laughlin, Ledbetter, matthews, Miller, Powell, Warner and Williams—9.

So the Senate adjourned until 2 o'clock, P. *M.*

EVENING SESSION.

Mr. Peyton moved the re-consideration of a vote of the Senate upon the passage, upon its third and last reading, a bill from the House of Representatives, to establish a Chancery court in the county of Grainger, and for other purposes,

And the question of re-consideration being had, was determined in the affirmative.

So the Senate will re-consider said bill.

The Senate on motion of mr. Gardner, took up and considered a bill to encourage the culture of silk in the State of Tennessee,

Which being read a second time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, miller, motley, Nelson, Peyton, Powell, Reneau, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Johnson, Ledbetter, maclin, martin, matthews, Ross, Sevier, Warner, Waterhouse and Williams—10.

So said bill was passed upon its second reading.

The Senate took up and considered a bill to repeal the seventh section of an act entitled an act to incorporate a Literary institution at the town of Maryville, in Blount county, to be styled the Maryville college, passed the 14th of January, 1812.

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 17, noes 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, maclin, martin, Nelson, Peyton, Reneau, Sevier, Waterhouse and mr. Speaker Turney—17.

The negative voters were:

Messrs. Johnson, Matthews, Miller, Powell, Ross, Warner and Williams—7.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate on motion of mr. Ledbetter, took up and considered a bill to amend an act, entitled an act, to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education, passed 19th January, 1838, and an act supplemental thereto, passed 25th January, 1838.

Which bill was read, when mr. Powell moved to amend said bill by adding thereto the following proviso:

Provided said Bank and branches shall resume the payment of specie on all their notes when presented on or before the first day of July next.

Which being read, mr. Foster moved to lay said amendment on the table, and the question thereupon being had, was determined in the affirmative—ayes 16, nays 9.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Miller, Motley, Nelson, Peyton, Reneau, Sevier and mr. Speaker Turney—16.

The negative voters were:

Messrs. Gardner, Johnson, Maclin, Matthews, Powell, Ross, Warner, Waterhouse, and Williams—9.

So said amendment was laid on the table.

Mr. Maclin moved to amend said bill by adding thereto the following:

Provided that nothing in this act shall be so construed as to effect or control in any manner the management of the branch of the Bank of Tennessee located at Somerville, Rogersville, Shelbyville and Athens.

Which being read, the Senate took up and considered a resolution to amend the Constitution so as to take from the Legislature the power of creating debts or borrowing money, except to pay the civil expenses of government or to suppress insurrection or repel invasion.

Which being read a first time, and the question, Shall said resolution be adopted? being had was determined in the affirmative—ayes 13, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Motley, Peyton, Ross, Warner, Waterhouse, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Maclin, Miller, Nelson, Powell, Reneau, Sevier—10.

So said resolution was adopted upon its first reading.

The Senate, on motion of mr. Jennings, took up and considered a

bill to insure a more efficient management of the Lunatic Asylum.

Which being read, mr. Foster moved to amend said bill by inserting in the fifth line of the first section, after the words "Lunatic Asylum," the words "for the support of Lunatic paupers."

Which being read and considered by the Senate, said amendment was adopted.

Mr. Matthews moved to amend said bill by striking out of the third line of the first section, and at all other places occurring in said bill, the word "ten" after the words "the sum of," and insert in lieu thereof the word "five."

Which being read and considered by the Senate, said amendment was rejected.

Mr. Warner moved to amend said bill by striking out of the third line of the first section of said bill, after the words "the sum of" the word "ten," and to insert in lieu thereof, and at all other places occurring in said bill, the word "six." And pending the consideration of said amendment, mr. Jennings asked and obtained leave to withdraw said bill for amendment.

On motion of mr. Ledbetter,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, JAN. 28, 1842.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have read a third time and passed the following entitled bills:

A bill to repeal a resolution directory to the surveyor of the Hiwassee District, and to the Entry Taker of the Ocoee District.

A bill for the relief of Thomas Maxwell of Blount county.

A bill to create the 23rd and 24th brigades of Tennessee Militia, the 23rd of the counties of Fayette and Shelby, and the 24th of the counties of Maury and Hickman.

A bill in regard to school lands.

A bill to compel persons to whom notes are assigned to give the makers of said notes, an opportunity to pay them before being sued.

A bill for the relief of James P. Keith and Allen Burdett.

A bill in regard to Idiots and Lunatics.

A bill to incorporate the inhabitants of the town of Fort Pickering in the county of Shelby.

A bill to make it felony to gamble with slaves, and to make it a misdemeanor to cut and haul wood off the lands of others.

A bill to consolidate the Surveyor's and Entry Taker's offices of Giles county, and for other purposes.

A bill to incorporate the Tennessee Silk Manufacturing company and Agricultural Schools, to teach the art of the culture and manufacture of Silk, and for other purposes.

A bill prescribing the mode of advertising runaway slaves by the jailors of this State.

A bill in regard to appeals and writs of error,

A bill to amend and explain part of the 2nd section of an act passed the present session to consolidate the funds and to provide but for one instead of two separate classes of Common Schools in the Hiwassee and Ocoee Districts in the State of Tennessee.

A bill for the relief of Abethel Wallace Sheriff of Stewart county.

A bill to authorise the building of dams across Duck River above the town of Columbia of certain specified dimensions.

A bill to establish a uniform standard of weights and measures in the State of Tennessee.

Which I am directed to transmit to the Senate and ask a concurrence therein.

The House of Representatives has taken up and amended and read a third time and passed a bill from the Senate granting to Elijah Frost a Turnpike road—also granting to Andrew K. Parker, John Gillentine and Nicholas M. Gillentine a Turnpike road.

Which I am directed to transmit to the Senate with the amendments, which is herewith transmitted, and to ask a concurrence therein.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled—

An act to establish a criminal court in Davidson county.

An act to incorporate the Memphis City Hotel company in the town of Memphis.

Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled acts, and directed the same to be re-transmitted to the House of Representatives, for the further action of the House thereon to be had.

Mr. Nelson presented a communication from Samuel Martin, of Campbell's Station, relating to the location of an Armory in the State of Tennessee, asking an agency from the State of Tennessee to attend to her interest in the Senate of the United States and other matters in said communication mentioned.

Which being read, was, on motion of mr. Nelson, referred to the committee on Federal relations.

Mr. Gardner presented the petition of 53 citizens of Weakley county, praying the repeal of a law relating to the removal of timbers being in mill-ponds in the Western District.

Which being read, was laid on the table.

Mr. Warner, chairman of the committee on claims, to whom had been referred the petition of Henry Dixon, and others, administrators of Winn Dixon, deceased, in relation to a certain land claim—Reports, that said committee have had the same under consideration, and are of opinion that the laws now in force and use afford ample, full and complete provisions for the relief prayed for by said petitioners, and that said committee had instructed him to report said petition, and to recommend that it be laid on the table.

And said report being read, the Senate concur therein; and said petition was laid on the table.

The Senate, on motion of mr. Peyton, took up and considered a bill from the House of Representatives to establish a Chancery court in Grainger county, and for other purposes; which being read a third time,

Mr. Maclin moved to amend said bill by striking out the 1st, 2d, 3d, 4th, 6th, 7th and 8th sections of said bill, as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Grainger shall compose one chancery district, and the courts thereof shall be held on the second Mondays of June and December in each year, at the court-house in Rutledge.

Sec. 2. *Be it enacted*, That the first court to be held under this act, shall be held on the third Monday of June, 1842, at which time the chancellor holding the same shall appoint a clerk and master, and organise said court according to law and the rules governing other Chancery courts in this State; and said court, so organised, shall have and entertain all the powers and jurisdictions of other Chancery courts in this State.

Sec. 3. *Be it enacted*, That all chancery causes originating in the county of Grainger, shall be cognizable by the Chancery court at Rutlege; and all laws heretofore passed, making Grainger county a part of the district composed of the counties of Grainger, Claiborne and Campbell, of which the Chancery court is held at Tazewell, be, and the same is hereby repealed.

Sec. 4. *Be it enacted*, That nothing in this act shall be so construed as to prevent the citizens of the counties of Claiborne and Campbell from bringing their suits in said court at their election.

Sec. 6. *Be it enacted*, That the county of Cocke shall compose one chancery district, and the courts thereof shall be held on the third Mondays of April and October in every year, at the court-house in Newport.

Sec. 7. *Be it enacted*, That the first court to be held under this act, shall be on the third Monday of April, 1842, at which time the chancellor holding the same shall appoint a clerk and master, and organise said court according to law, and the rules governing other Chancery courts in this State; and said court, when organised, shall have and entertain all the powers and jurisdictions of other Chancery courts in this State.

Sec. 8. *Be it enacted*, That all chancery causes originating in the county of Cocke, shall be cognizable by the Chancery court at Newport, and all laws heretofore passed, making Cocke county a part of the chancery district composed of the counties of Cocke and Jefferson, of which the Chancery court is held at Dandridge, be, and the same are hereby repealed.

Mr. Maclin moved to amend the caption of said bill by striking out the word "Grainger," and to insert in lieu thereof the word "Campbell;" which being read, and the question upon the adoption of said amendments being had, was determined in the affirmative.

So said amendments were adopted.

And said bill, as amended, was read a third and last time, and the

question recurring upon the passage of said bill being had, was determined in the affirmative—ayes 18, noes 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *M*aclin, *M*iller, *M*otley, Powell, Reneau, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

*M*essrs. Frey, Gardner, *M*artin, *M*atthews, Nelson, Peyton and Ross—7.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk announce to the House of Representatives the Senate's amendments made to said bill, and ask a concurrence therein.

The Senate, on motion of mr. Waterhouse, took up and considered a bill to establish a branch of the Bank of Tennessee at Chattanooga, in the county of Hamilton; when

On motion of mr. Foster, said bill was laid on the table.

His Excellency the Governor of the State of Tennessee transmitted to the Senate, by John S. Young, Secretary of State for the State of Tennessee, the following message, to-wit:

EXECUTIVE DEPARTMENT,
Nashville, January 28, 1842.

Gentlemen of the Senate and House of Representatives:

By the 6th section of an act passed on the 19th January, 1838, entitled an act to establish a State Bank to raise a fund for internal improvement, and to aid in the establishment of a system of education, it is made the duty of the Governor to nominate and appoint twelve persons to serve as Directors of the Bank of Tennessee. In discharge of this duty, I nominate the following persons as Directors of said Bank:

Alexander Allison, of Davidson county.
Benjamin McCullough, " "
William Williams, " "
Joseph W. Clay, " "
Andrew Ewing, " "
M. M. Manahan, " "
Mason Varnoy, " "
P. W. Martin, Sumner county.
Joseph W. Allen, Smith "
Thomas Anderson, Wilson "
Jonathan Currin, Rutherford county.
William Maney, Williamson "

JAMES C. JONES.

Which was laid on the table.

*M*r. Jennings returned a bill to insure a more efficient management of the Lunatic Asylum, by him withdrawn for amendment, with the following amendments, to-wit:

The following mr. Jennings offers in lieu of the first section, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That out of any moneys in the Treasury of the State not otherwise appropriated, the sum of ten thousand dollars shall be subject to the order of the Treasurer of the Board of Trustees of the Lunatic Asylum, to be expended by said Board, according to the existing provisions of law, in the employment of labor and the purchase of articles of indispensable necessity in conducting the affairs of the institution and in the payment of the salaries of its officers as already provided by law, and in defraying the expense of maintaining such Lunatic paupers as may be received amongst the number of its inmates, and also in making the alterations in the building and the grounds attached thereto, and the additions to the furniture of the institution, and its means for promoting the cure of insane persons that are hereinafter directed: *Provided*, that said Board of Trustees in making such alterations in the Asylum, and such additions to its means of usefulness shall not expend a greater sum than ——— dollars.

Sec. 2. *Be it enacted*, That no portion of the funds of said Asylum shall be expended in the completion or the furniture of its apartments, unless such expenditure be made necessary by an increase of its inmates beyond the number that can be suitably accommodated in the rooms that are now furnished and ready for the reception of patients.

Sec. 3. *Be it enacted*, That in the management of said Asylum it shall be the duty of said Board of Trustees, so to conduct its operations that its advantages shall be as widely diffused as possible, and shall not be confined to any limited portion of the population of the State. Which being read,

Mr. Ledbetter moved to amend the first section of said Bill, by filling the blank contained therein, after the words "shall not expend a greater sum than," with the words "one thousand dollars,"

Which being considered of by the Senate, said amendment was adopted.

Mr. Warner moved to amend the amendment offered by mr. Jennings, by striking out of the sixth line of the first section after the words, "the sum of," the word "ten," and to insert in lieu thereof the word "six,"

And the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Matthews, Miller, Motley, Nelson, Powell, Reneau, Warner, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Maclin, Martin, Peyton, Ross and Sevier—10.

So said amendment was adopted.

The question then recurred upon the adoption of the amendment offer-

ed by mr. Jennings as amended, which being had was determined in the affirmative.

So said amendment as amended, was adopted.

Mr. Gardner moved to amend said bill by adding thereto the following, constituting the 9th section, to wit:

Sec. 9. *Be it enacted*, That hereafter the expenses of conveying Lunatic paupers from any county in this State, to the Lunatic Asylum, shall be paid by the county sending such lunatic to said institution, and the State shall only be chargeable with the maintenance of said lunatic from the time of his or her reception into said Asylum.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 7, noes 16.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Laughlin, Motley, Nelson, Warner and Williams—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Ledbetter, Matthews, Miller, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse and mr. SpeakerTurney—16

So said amendment was rejected.

The question then recurred upon the adoption of the —— and —— sections proposed by mr. Jennings as an amendment to said bill, which being had was determined in the affirmative.

So said amendment was adopted.

Mr. Waterhouse moved to amend said bill by adding thereto the following, constituting the 9th section of said bill, to wit:

Sec. 9. *Be it enacted*, That when any lunatic pauper shall be sent from any county in this State, to the Hospital, and said county has no inmate in said Hospital, said lunatic shall have the preference of any lunatic, who may be presented from any county that has already had an inmate in said Hospital,

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 19, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—19.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Ledbetter and Ross—6.

So said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Martin, Peyton, Ross, Sevier, Warner and Williams—14.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Matthews, Miller, Motley, Nelson, Powell, Reneau, and Waterhouse—11.

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate on motion of mr. Laughlin, took up and considered a resolution to amend the constitution, so as to take from the Legislature the power of creating State debts, or borrowing money, except to pay the civil expenses of Government, to suppress insurrection or repel invasion,

Which bill was read a second time, when

Mr. Jennings moved to amend said resolution by adding thereto the following, to wit:

And that the State shall never hereafter become the sole proprietor of a bank, nor a partner in any project, or business with any individual or number of individuals, in any corporation,

Which being read,

Mr. Jennings moved the adoption of said amendment, and the question thereupon being had, was determined in the negative—ayes 3, noes 20.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Jennings, Johnson, and Waterhouse—3.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Hardwicke, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Williams and mr. Speaker Turney—20.

So said amendment was rejected.

The question then recurred upon the adoption of said resolution, which being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Motley, Ross, Warner, Waterhouse and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Sevier and Williams—13.

So said resolution was rejected upon its second reading in the Senate.

On motion of mr. Nelson,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Hardwicke in the chair, the Senate on motion of mr. Foster took up and considered a message from the House of Representatives, transmitting sundry amendments made by the House of Representatives to the Senate's bill, granting to Elijah Frost a Turnpike road—also granting to Andrew K. Parker and John Gillentine and Nicholas *M.* Gillentine, a Turnpike road, asking the concurrence of the Senate therein,

Which being read,

Mr. Foster moved a concurrence in said amendments in said message mentioned, which being considered, the Senate concur therein.

Ordered that the clerk announce to the House of Representatives the concurrence of the Senate in the amendments made by the House to said bill.

The Senate on motion of mr. Martin took up and considered a bill to secure the estates of orphans.

Which bill was read a third time, when

Mr. Ledbetter moved to amend said bill by adding thereto the following, constituting the 4th section as follows, to wit:

Sec. 4. *Be it enacted*, That all guardians, administrators, or executors bonds, that may be hereafter given to the several County courts in this State, shall be endorsed by the chairman of the court, or such Justice as may be appointed to preside in his stead, approved by the court, and sign his name thereto, before the same shall be received by the clerk: *Provided*, if any such bond shall be executed and not so endorsed, the obligor or obligors, shall be bound to the same extent as if the endorsement required by this act, had been made upon said bond,

Which being read, and the sense of the Senate thereupon being had, said amendment was adopted.

And said bill as amended, was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 23, noes none.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Macfin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—23.

Negative voters—None.

So said bill was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered the following bills from the House of Representatives upon their first reading in the Senate, to-wit:

A bill in regard to School lands.

A bill for the relief of Thomas Maxwell of Blount county.

A bill to incorporate the Penitentiary Turnpike Company.

A bill in regard to Idiots and Lunatics; read a first time and rejected.

A bill to make it felony to gamble with slaves, and to make it a misdemeanor to cut and haul wood off the lands of others.

A bill in regard to appeals and writs of error.

A bill to establish a uniform standard of weights and measures in the State of Tennessee.

A bill to amend and explain part of the 2nd section of an act, passed at the present session, to consolidate the funds, and to provide for

but one instead of two separate classes of common schools in the Hiwassee and Ocoee districts in the State of Tennessee.

A bill to consolidate the Surveyor's and Entry Taker's offices of Giles county, and for other purposes.

A bill to authorise the building of dams across Duck river above the town of Columbia, of certain specified dimensions.

A bill prescribing the mode of advertising runaway slaves by the jailors of this State.

A bill for the relief of James P. Keith and Allen Burdett.

A bill to prevent and suppress the issuing and circulating change bills, or tickets of any size or denomination whatever.

A bill for the relief of the owners of iron works south and west of the congressional reservation line.

A bill to incorporate the inhabitants of the town of Fort Pickering in the county of Shelby.

A bill to amend the Militia laws of this State.

A bill to incorporate the town of Durhamsville in the county of Lauderdale.

A bill to impose certain duties on Overseers of Roads.

A bill to amend the charter of the Obion Turnpike company.

A bill to amend the second section of an act entitled an act to prevent the poisoning of Fish in any of the waters of this State, passed Nov. 19th, 1833, chapter 74.

A bill to appoint commissioners of the Bean's Station Turnpike road, and for other purposes.

A bill to extend the limits of the corporation of the town of Lebanon in Wilson county.

A bill to amend an act entitled an act to incorporate the inhabitants of the town of Memphis, passed the 9th of December, 1826.

A bill to repeal the third section of an act incorporating the town of Tazewell.

A bill to amend the laws now in force in relation to free persons of color.

A bill to authorize Samuel Henry, sen., of Blount county to build a dam across Little River in said county.

A bill to incorporate the Brownsville Female Institute at Brownville, in Haywood county.

A bill to amend the penal laws.

A bill to repeal an act declaring the Ocoee river navigable.

A bill prescribing the duties of Sheriffs and other officers in certin cases.

A bill to incorporate the Tennessee Silk Manufacturing company and Agricultural School, to teach the art of the culture and manfacture of Silk, and for other purposes.

A bill to incorporate the Trustees of Tusculum Academy.

A bill to incorporate the Greeneville Female Academy in the own of Greeneville, and for other purposes.

A bill to revive the charter of the Nashville Bank.

A bill to regulate elections by the county court.

A bill to authorize the refunding of money to sheriffs and tax collectors in certain cases.

A bill for the benefit of occupant settlers south and west of the congressional reservation line in certain cases.

A bill to exempt certain persons from attending battallion and regimental musters.

A bill to require the Trustees of the Trenton Male Academy, to pay over one half of the Academy Funds, now accrued and unexpended, and also one half of said funds hereafter to accrue to the Trustees of the Trenton Female Academy.

Which bills were severally read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to restore John Wilson of Blount county to the privileges of citizenship.

Which bill was read a first time—

When mr. Ledbetter moved to amend said bill by inserting in the third line after the word "county," the words "and William Hamilton of Rutherford county."

Which being read and considered by the Senate, said amendment was adopted.

Mr. Foster moved to amend said bill by inserting therein after the words "Rutherford county" the words following:

"And that Alonzo M. D. Bostick of the county of Benton, be, and he is hereby restored to all the rights and privileges of citizenship."

Which being read and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to create the 23rd and 24th brigades of Tennessee Militia—the 23rd of the counties of Fayette and Shelby, and the 24th of the counties of Maury and Hickman.

Which bill being read—

When mr. *M*atthews moved to amend said bill by striking out of the fifth line of the first section after the words "counties of Maury," the words "and Hickman."

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to repeal a resolution directory to the surveyor of the Hiwassee District, and to the Entry Taker of the Ocoee District.

Which bill was read a first time and passed.

On motion of mr. Powell, said bill was laid on the table.

The Senate took up and considered a bill to provide for the payment of the record books for the use of the clerks of the Supreme Court of this State.

Which bill was read a first time, when, on motion of mr. Powell, said bill was laid on the table.

Mr. Hardwicke returned a bill from the House of Representatives, by him withdrawn for amendment, without amendment.

When, on motion of mr. Hardwicke, said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives to withdraw the stock and cancel the bonds of the State subscribed and issued to the Louisville, Cincinnati and Charleston Rail Road Company.

When, on motion of mr. Powell, said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives to compel persons to whom notes are assigned to give the makers of said notes an opportunity to pay them before being sued.

Which being read—

Mr. Nelson moved the indefinite postponement of said bill, and the question thereupon being had was determined in the affirmative.

So said bill was indefinitely postponed, upon its second reading in the Senate.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

Mr. Sevier introduced a bill for the relief of Carroll county, and for other purposes.

Which bill was read a first time and passed.

The Senate took up and considered the following entitled bills upon their second reading in the Senate, to-wit:

A bill for the relief of Humphreys and Benton counties.

A bill to amend an act to prescribe certain duties to be performed by the clerks of the several courts of this State, and for other purposes.

Which bills were severally read a second time and passed.

The Senate, on motion of mr. Warner, took up and considered a bill for the relief of the citizens of this State; which bill being read a second time—when mr. Peyton asked and obtained leave to withdraw said bill for amendment.

The Senate, on motion of mr. Bradbury, took up and considered a bill to appropriate the State tax of Hardin county for two years to county purposes; which bill was read a second time—when mr. Gardner moved to amend said bill by adding thereto the following, constituting the 2d section of said bill, to-wit:

Sec. 2. *Be it enacted*, That the provisions and benefits of this act be and the same are hereby extended to the county of Obion, for the purpose of aiding the citizens of said county in building a public jail; which being read, and the sense of the Senate thereon had, said amendment was adopted, and said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives for the relief of Abethel Wallace, sheriff of Sumner county; which bill was read a first time and passed.

On motion of mr. Hardwicke, said bill was referred to the committee on Claims.

The Senate, on motion of mr. Williams, took up and considered a message from the House of Representatives, transmitting a resolution directory to the Secretary of State for the State of Tennessee, pro-

posing to authorise said Secretary to appoint an agent at Knoxville to examine, receive and receipt for the portion of the acts and journals of the present General Assembly, intended for distribution in East Tennessee.

Which being read and considered, mr. Williams moved to amend said resolution by striking out the words "acts and;" which being read and considered, said amendment was adopted, and said resolution as amended concurred in.

Ordered that the clerk acquaint the House of Representatives with the Senate's amendment to said resolution, and ask a concurrence therein.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bills, as follows, to-wit:

An act for the relief of persons building machinery propelled by water power.

An act to amend an act entitled an act to amend an act entitled an act to amend an act for the benefit of the widows of intestates, and for other purposes, passed 16th day of December, 1813, so as to extend to orphans.

An act to authorize the issuing of grants in the Hiwassee district in certain cases.

An act to amend the criminal laws of this State.

An act to amend the laws providing for the collection and paying over the State and County taxes, and for other purposes.

An act to authorize the Governor of Tennessee to commute capital punishment to imprisonment for life in the Penitentiary in certain cases.

An act to authorise the payment of certain moneys therein mentioned to the Common School Commissioners of the 11th School District, of *Mc*Nairy county.

An act for the relief of George C. Bradley, former jailor of Hawkins county.

An act to amend the acts of 1827, chapter 57, and the act of 1829, chapter 11.

An act to regulate the duties of clerks in certain cases.

An act to amend the 13th section of the act of 1835, chap. 15, relative to tax collectors.

An act to amend the act of 1836, chapter 43, in relation to attachments.

Which enrolled acts I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said several enrolled acts, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate, on motion of mr. Ledbetter, took up and considered a bill for the relief of Cannon county.

Which bill was read a second time—when mr. Laughlin moved to amend said bill by inserting therein, after the word "Cannon," the

words "Coffee, DeKalb and Van Buren"—mr. Warner moved to amend said bill by inserting therein, after the amendment proposed by mr. Laughlin, the word "*M*arshall"—mr. *M*iller moved to amend said bill by inserting therein, after the amendment proposed by mr. Warner, the word "Polk."

Which amendments mr. Laughlin accepts—when, on motion of mr. Ledbetter, said bill was laid on the table.

The Senate took up and considered a bill to incorporate the Penitentiary Turnpike Company.

Which bill was read a first time—when mr. Foster moved to lay said bill on the table, and the question thereupon being had, was determined in the negative—ayes 5, nays 20.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Hardwicke, Jennings, Martin, and Motley—5.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—20.

So said motion to lay said bill on the table was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the affirmative.

So said bill was passed upon its first reading in the Senate.

The Senate took up and considered a bill for the relief of Humphreys and Benton counties.

Which bill was read a second time and passed.

On motion of mr. Hardwicke,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 29, 1842.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have read a third and last time and passed the following entitled bills, to-wit:

A bill to appoint commissioners on Scott's Turnpike road, leading through Fentress county, and for other purposes.

A bill to change and amend the act of 1839–40, chapter 102, section 8.

A bill to amend and extend the charter of the White's Creek Turnpike Company.

A bill to remedy the informality of deeds of conveyance and the instruments executed by an attorney.

A resolution directory to the Comptroller of the Treasury.

Which bills I am directed to transmit to the Senate and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled:

An act to diminish the corporation limits of the town of Gallatin, in Sumner county.

An act relative to the adjudication of land warrants.

Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled acts, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

Mr. Warner chairman of the committee on claims to whom had been referred a bill from the House of Representatives for the relief of Abethel Wallace, Sheriff of Stewart county—Reports, that said committee have had the same under consideration, and after considering said bill, with the accompanying documents, are of opinion, that the provisions contained in said bill and the relief sought for is proper and should be allowed; that said committee had instructed him to report said bill, and to recommend its passage, which report was read and concurred in.

And said bill was read a second time and passed.

Mr. Foster chairman of the committee on the Judiciary, to whom had been referred a bill from the House of Representatives to amend the law of descents, in certain cases—Reports, that said committee have had the same under consideration, and that said committee had instructed him to report said bill, with the following amendments, to be inserted in the 11th line of the first section of said bill, after the words, "the heirs of the mother," provided said heirs or those they represent, on the part of the father, and said heirs and those they represent on the part of the mother, stand in equal degree of relationship to the intestate, but if such heirs or those they represent, do not stand in equal degree of relationship to the intestate, then such heirs or those they represent who are nearer in blood shall take the estate of the intestate, in preference to others more remote; and to be added to the end of the 3rd section, the following: "and the real estate devised in such case shall be vested in the issue of such deceased devisee, in the same manner it would have been vested in the orignal devisee; also to amend said bill by inserting in the third line of the 2d section, after the words, "by the birth of," the words "an heir,"

Which report being read, the Senate concur therein.

And said bill as amended on the report of the chairman of the committee on the Judiciary, was read a second time and passed.

Mr. Frey chairman of the committee on Enrollments, reports as correctly enrolled, a bill entitled an act, to alter the time of holding the Circuit court of Warren county.

Which Enrolled act was thereupon signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Foster chairman of the committee on the Judiciary to whom had been referred the Senate's bill, to enable foreigners to transmit the real estate they may purchase to their heirs—Reports, that said committee have had the same under consideration, and had instruced him to report said bill with the following amendments, to wit: strike out of the third line of the second section, after the words, "foreigners who," the words "have or," insert in the third line of the second section, after the words

"may hereafter," the words "eighteen months from the passage of this act, and at no other time," and with said amendments, to recommend the passage of said bill.

Which report being read and the question upon the concurrence of the Senate in said Report, was thereupon had, and determined in the negative—ayes 5, noes 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Nelson, Reneau and Sevier—5.

The negative voters were:

Messrs. Ashe, Frey, Gardner, Hardwicke, Laughlin, Ledbetter, *Mac*lin, *Mar*tin, *Mat*thews, *Mi*ller, *Mo*tley, Peyton, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—17.

So said bill was rejected upon its second reading in the Senate.

The Senate on motion of mr. Hardwicke, took up and considered a bill from the House of Representatives for the benefit of witnesses in certain cases,

Which being read, was on motion of *Mr.* Hardwicke, referred to the committee on the Judiciary,

Mr. Laughlin, chairman from the select committee to whom had been referred a bill to provide for but two instead of three annual terms of the circuit court in each of the counties west of the Tennessee river, and to fix the time of holding the same, reports that said committee have had the same under consideration, that said committee had instructed him to report the following amendments and with said amendment to recommend the passage of said bill—which amendment is as follows:

Sec. 3. *Be it enacted*, That the circuit courts of the several judicial circuits in the East and Middle divisions of the State at the following times, that is to say:

For the First Judicial Circuit—

For the county of	Johnson, on the	Mondays in	and
"	Carter, on the	"	"
"	Washington, on the	"	"
"	Greene, on the	"	"
"	Sullivan, on the	"	"
"	Hawkins, on the	"	"

And for the Second Judicial Circuit the said Circuit Courts shall be held—

For the county of	Blount, on the	Mondays in	and
"	Knox, on the	"	"
"	Anderson, on the	"	"
"	Morgan, on the	"	"

And for the third Judicial Circuit the said Circuit Courts shall be held—

For the county of	Roane, on the	Mondays in	and
"	Rhea, on the	"	"
"	Bledsoe, on the	"	"
"	Marion, on the	"	"
"	Hamilton, on the	"	"

"	McMinn, on the	"	"
"	Meigs, on the	"	"
"	Monroe, on the	"	"
"	Bradley, on the	"	"
"	Polk, on the	"	"

And for the Fourth Judicial Circuit the said Circuit Court shall be held—

For the county of	White, on the	*M*ondays in	and
"	Fentress, on the	"	"
"	Overton, on the	"	"
"	Jackson, on the	"	"
"	Smith, on the	"	"
"	De Kalb, on the	"	"

And for the Fifth Judicial Circuit the said Circuit Courts shall be held—

For the county of	Bedford, on the	*M*ondays in	and
"	Wilson, on the	"	"
"	Rutherford, on the	"	"
"	Cannon, on the	"	"

And the said Circuit Courts shall be held for the Sixth Judicial Circuit—

For the county of	Williamson, on the	Mondays in	and
"	Davidson, on the	"	"
"	Sumner, on the	"	"

For the Seventh Judicial Circuit the said Circuit Courts shall be held—

For the county of	Robertson, on the	*M*ondays in	and
"	*M*ontgomery, on the	"	"
"	Dickson, on the	"	"
"	Humphreys, on the	"	"
"	Stewart, on the	"	"

And for the Eighth Judicial Circuit the said Circuit Courts shall be held—

For the county of	*M*aury, on the	Mondays in	and
"	*M*arshall, on the	"	"
"	Giles, on the	"	"
"	Hickman, on the	"	"

And the said Circuit Courts shall be held for the twelfth Judicial Circuit—

For the county of	Cocke, on the	Mondays in	and
"	Sevier, on the	"	"
"	Jefferson, on the	"	"
"	Grainger, on the	"	"
"	Campbell, on the	"	"
"	Claibourne, on the	"	"

And the said Circuit Courts shall be held for the thirteenth Judicial Circuit—

For the county of Lincoln, on the first *M*ondays of April and October.
For the county of Franklin, on the third *M*ondays of April and Oct.

For the county of Coffee, on the fourth *M*ondays of April and Oct.
For the county of Warren, on the first *M*ondays in May and Nov.
For the county of Van Buren, on the third Mondays in *M*ay and Nov.

Which report being read, mr. Ledbetter offered the following amendment to said bill:

Sec. *Be it enacted*, That all suits in said Circuit Courts shall be liable at the first or appearance term, where the original process, with a copy of the declaration, has been served upon the defendant or defendants at least three months before the commencement of said term, but may be continued for cause shown as heretofore. This section shall not be in force until the first day of January, 1843.

Which being read, mr. Ledbetter moved the indefinite postponement of said bill with the amendments thereto, and the question thereupon being had, was determined in the negative—ayes 12, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Johnson, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Reneau, Ross, and Williams—12.

The negative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Peyton, Powell, Sevier, Warner, Waterhouse, and mr. Speaker Turney—13.

So said motion to indefinitely postpone said bill was rejected.

*M*r. Ledbetter moved to amend the amendment reported by the select committee, by striking out so much thereof as relates to the holding the Courts in East and Middle Tennessee, and the question thereupon being had, was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Johnson, Ledbetter, *M*artin, *M*atthews, *M*iller, *M*otley, Nelson, Ross, Waterhouse, and Williams—12.

The negative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Peyton, Powell, Reneau, Sevier, Warner, and mr. Speaker Turney—13.

So said amendment to the committee's amendment was rejected.

*M*r. Gardner moved to lay said bill on the table until Monday evening next, and the question thereupon being had, was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Peyton, Powell, Sevier, Warner, and mr. Speaker Turney—12.

The negative voters were:

Messrs. Foster, Frey, Johnson, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Reneau, Ross, Waterhouse and Williams—13.

So said motion to lay on the table was rejected.

The question then recurred upon the adoption of the amendment reported by the select committee, which being had was determined in the affirmative. So said amendment was adopted.

And said bill as amended being read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the negative—ayes 10, nays 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Laughlin, Powell, Sevier, Warner, and mr. Speaker Turney—10.

The negative voters were:

Messrs. Foster, Frey, Johnson, Ledbetter, Maclin, Martin, Matthews, Miller, *M*otley, Nelson, Peyton, Reneau, Ross, Waterhouse, and Williams—15.

So said bill was rejected upon its third and last reading.

Whereupon mr. Peyton moved a re-consideration of the vote of the Senate rejecting said bill, and the question thereupon being had, was determined in the affirmative—ayes 13, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Peyton, Powell, Sevier, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Foster, Frey, Johnson, Martin, Matthews, Miller, Motley, Nelson, Reneau, Ross, and Williams—11.

So said motion to re-consider said bill prevailed.

When on motion of mr. Gardner the further consideration of said bill, is made the order of the day for the afternoon of Monday next,

And said bill was laid on the table.

The Senate on motion of mr. Foster, took up and considered a message from the House of Representatives transmitting a resolution proposing that the Senate meet the House of Representatives in their Hall, on Wednesday the 2d day of February next, for the purpose of electing a Judge of the Criminal court, for Davidson county,

Which being read, mr. Foster moved to amend said resolution by striking out "Wednesday the 2d," and to insert in lieu thereof "Tuesday the 1st,"

Which being considered of by the Senate said amendment was adopted.

The question then recurred upon a concurrence in said resolution as amended, which being had, was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Motley, Nelson, Peyton, Powell, Reneau, Sevier and Williams—15

The negative voters were:

Messrs. Laughlin, Maclin, Martin, Matthews, Miller, Ross, Warner, Waterhouse and mr. Speaker Turney—9.

So said resolution as amended was concurred in.

Ordered that the clerk announce to the House of Representatives the Senate's concurrence in said resolution as amended, and ask the concurrence of the House in the Senate's amendment thereto.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up, read a third time, and passed the following entitled bills, to wit:

A bill to amend an act, passed 11th December, 1837, entitled an act, to amend an act, to incorporate the Ashport Turnpike company.

A bill to change the time of holding the Chancery courts at Somerville.

A bill to incorporate the Kingsport Manufacturing Company.

A bill making allowance to certain purchasers of reservations in the Hiwassee district.

Which bills I am directed to transmit to the Senate, and ask a concurrence therein.

The Speaker of the House of Representatives did this day sign an enrolled bill, entitled

An act, for the relief of William Croom, of the county of Madison, and for other purposes, which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be re-transmitted to the House of Representatives for further action of the House thereon to be had.

The Senate on motion of mr. Frey took up and considered a message from the House of Representatives, transmitting the amendments made by the House of Representatives to the report of the joint Select committee, appointed by a resolution adopted by the Senate and concurred in by the House of Representatives, to inquire into, and report the number of the acts of the General Assembly, and the Journals of both Houses of this General Assembly to be printed—which amendments of the House of Representatives propose striking out one copy of the acts to each "Ranger and Coroner," and allowing to each "Clerk of the Senate and House of Representatives an act of Assembly," to allow each "Door keeper of the House and the Door keeper of the Senate one copy of the Acts and Journals."

Mr. Frey moved that the Senate non-concur in the first amendments and concur in the second amendment, and non-concur in the third amendment of the House of Representatives to said Report, which being considered said motion prevailed.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate on motion of mr. Jennings, took up and considered a resolution submitted by mr. Ledbetter on the 25th of November 1841, proposing to elect a second assistant clerk to transcribe the Senate's Journal for the public printers, and to perform such other duties as may from time to time be required of him,

Which being read, said resolution was adopted.

On motion of mr. Sevier,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives by Mr. Mitchell their Clerk:

Mr. Speaker: The House of Representatives have taken up and considered the amendments of the Senate to a bill of the House to regulate the draining of Swamp lands, and also the Senate's amendments to a bill relating to lands in the Ocoee district, and the locations of entry for the same; which amendments of the Senate are severally concurred in by the House of Representatives.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to amend the charter of the Obion Turnpike company,

Which being read, when

Mr. Gardner moved to amend said bill, by striking out of the third section after the words, "and carriages fifty cents each," the words, "except the citizens of Obion county, who shall be permitted to pass said gate free of toll,

Which being read and considered of by the Senate, said amendment was adopted.

And said bill as amended, was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to authorise the building of dams across Duck river, above the town of Columbia, of certain specified dimensions,

Which bill being read, when

Mr. Martin moved to amend said bill by adding thereto the following, constituting the 4th section of said bill, to wit:

Sec. 4. *Be it enacted*, That the privilege of building dams across Duck river, below Columbia and above the town of Williamsport, in Maury county, is hereby extended to all persons under the provisions of the above section of this act, provided dams which may be erected across said river below Columbia, and above the town of Williamsport, shall not exceed three feet above low water mark, and provided further, that any person or persons constructing dams across said river, as aforesaid, in this section, shall be liable to the owner or owners of all water crafts that may pass or repass such dam, for such damages as may result from the erection of any such dam,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate took up and considered a bill for the amendment of Criminal law, and for other purposes,

Which bill as amended was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative ayes 19, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Williams and mr. Speaker Turney—19.

The negative voters were:

Messrs. martin, matthews, miller, motley, Ross and Waterhouse—6.

So said bill as amended was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives, to consolidate the Surveyor's and Entry taker's office of Giles county, and for other purposes.

Which being read a second time, when

Mr. Ross moved to amend by striking out the 2d and 3d sections as follows:

Sec. 2. *Be it enacted*, That the County court of said Giles county are hereby authorised and required to employ some suitable person to make out a plan of that part of said county, lying west of said line by a scale of 200 poles per inch, on which shall be represented the section lines, water courses, and all the legal claims both of grants or warrants, entries and *bona fide* occupant claims, which, when completed, they shall receive and make a reasonable compensation to the person for making the same, not exceeding two hundred dollars, and deposit said plan with the Surveyor of said county, for safekeeping, on which he shall lay down each entry received by him in its proper place.

Sec. 3. *Be it enacted*, That all persons who were at any time on or before the 18th day of February, 1841, entitled to any occupant preference, under any of the occupant laws of this State in said county, which claims have not been heretofore represented on the general plan of the respective districts where the land lay, such person, the legal representative of such person or persons and the rightful assignee of such person or persons shall have the right and privilege of entering said claims in the surveyor's office of said county in accordance with the provisions of the general land laws for entering and obtaining grants on preemption rights, south and west of said line passed at the present session of this General Assembly, provided they make satisfactory proof to said surveyor according to the provisions of the particular occupant law under which they claim, the original claimant was legally entitled to said claim under said act, and in case of transfer make such additional proof of their right as assignee as is provided by law for such cases, viz: that the original occupant was entitled to a preference by law, and that they are the rightful owners, to the satisfaction of said surveyor, then the said surveyor shall grant them the same rights as though the same had been surveyed and laid down as contemplated in the several occupant laws of the State, at the time the right first obtained.

Which being read and the sense of the Senate thereon had, said amendment was adopted.

Mr. Ross moved further to amend said bill by adding thereto the following, to constitute the 2nd section of said bill:

Sec. 2. *Be it enacted*, That the surveyor's office and entry taker's office for the county of Lincoln, be, and the same are hereby consolidated, and the surveyor of said county shall be required to perform all the duties that the entry taker is now required to perform, and shall be entitled to receive the same fees.

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted—and said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to incorporate the East Tennessee Manufacturing company.

Which being read a second time—

Mr. Foster moved to amend said bill by striking out the word "perpetual" recurring in the 7th line of the first section after the words, "by that name shall have," and to strike out the word "perpetual" in all places in said bill where the same occurs.

Which being read and considered by the Senate said amendments were adopted.

Mr. Waterhouse moved to amend said bill by adding thereto the following, constituting the 11th section of said bill, to-wit:

Sec. 11. *Be it enacted*, That the Legislature shall have the power to alter or repeal this charter, when in their opinion the public good requires it.

Which being read and the sense of the Senate thereon being had, said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate, on motion of mr. Maclin, took up and considered a bill for the relief the Somerville College.

Which being read a second time, when mr. *Maclin* offered the following amendment in lieu of the whole bill after the caption, to-wit:

Be it enacted by the General Assembly of the State of Tennessee, That the sum of two thousand and five hundred dollars, be and the same is hereby appropriated to be paid annually to the President and Trustees of the Somerville college, in the county of Fayette, by the President and Directors of the Bank of Tennessee, at Somerville; out of the contingent surplus fund of said Branch, subject always to the following restrictions:—It shall be the duty of the President and Directors of said Branch, at the end of the present and each subsequent Bank year, out of the profits of each of said years, to set aside the 8 per cent required by the act creating said bank, to be annually paid to the State upon its capital stock—also to deduct the current expenses of the Branch for said year —and also to deduct in like manner a sum equal to all the estimated bad debts due the Bank, and so clearly ascertained for the current year, and in addition thereto they shall deduct the further sum each year of one thousand dollars, to be added to the contingent fund of said Branch, and the balance of profit remaining for each year, after such addition shall be paid over to the President and Trustees of the Somerville College—*Provided*, That the sum so paid at the end of each bank year shall not exceed two

thousand and five hundred dollars—and any further surplus which may remain of the profits of said Branch for any one year, after the deductions aforesaid, shall, as heretofore, be added to the contingent fund.

Sec. 2. *Be it enacted*, That the first payment to the said President and Trustees shall be at the end of the present Bank year.

Which being read and the sense of the Senate thereon had, said amendment was adopted in lieu of the original bill.

And said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to dispose of that portion of the monies arising from the sale of the public lands, to which Tennessee may be entitled under the act of Congress of the Extra Session of 1841, commonly called the distribution bill.

Which being read, mr. Matthews moved to amend said bill by striking out the words "one half," and to insert in lieu thereof the words "three-fourths" wheresoever the same occurs in said bill.

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 15, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Peyton, Powell, Sevier, Warner, Williams and mr. Speaker Turney—15.

The negative voters were:

*M*essrs. Foster, Frey, Hardwicke, Ledbetter, Miller, Motley, Nelson, Reneau, Ross, and Waterhouse—10.

So said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to make it felony to gamble with slaves, and to make it a misdemeanor to cut and haul wood off of the lands of others.

Which being read, mr. Ross moved to amend said bill by striking out the first section, being that part of the bill making it a felony to gamble with slaves.

*M*r. Nelson moved the indefinite postponement of said bill, and the question was thereupon had and determined in the negative—ayes 11, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Frey, Johnson, Ledbetter, Maclin, Matthews, Miller, Nelson, Peyton, Reneau, and Williams—11.

The negative voters were:

Messrs. Bradbury, Foster, Gardner, Jennings, Laughlin, Martin, Motley, Powell, Ross, Sevier, Warner, Waterhouse, and mr. Speaker Turney—13.

So said motion indefinitely to postpone said bill was rejected.

The question then recurred upon the motion of mr. Ross to amend said bill by striking out the first section, and the question upon the

adoption of said amendment being had was determined in the affirmative.

So said amendment was adopted.

And said bill as amended, being read a second time, and the question upon the passage of said bill being had was determined in the negative—ayes 4, nays 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner; Ross, Waterhouse and mr. Speaker Turney—4.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Reneau, Warner, and Williams—17.

So said bill as amended was rejected upon its second reading in the Senate.

Ordered that said bill be transmitted to the House of Representatives and that the clerk announce to the House of Representatives the rejection of said bill by the Senate upon its second reading.

The Senate took up and considered the following bills from the House of Representatives upon their second reading, to-wit:

A bill for the correction of certain mistakes in the entry of lands in the Ocoee District, and for other purposes.

A bill to amend an act entitled an act to incorporate the inhabitants of the town of Memphis, passed the 9th of December, 1826.

A bill to require the Trustees of the Trenton Male Academy, to pay over one half of the Academy Funds, now accrued and unexpended, and also one half of said funds hereafter to accrue to the Trustees of the Trenton Female Academy.

A bill to regulate elections by the county courts.

A bill to incorporate the town of Durhamsville in the county of Lauderdale.

A bill to impose certain duties on Overseers of Roads.

A bill to amend the Militia laws of this State.

A bill to repeal an act declaring the Ocoee river navigable.

A bill to incorporate the Brownsville Female Institute at Brownsville, in Haywood county.

A bill to incorporate the town of Harrison, in Hamilton county.

A bill to authorize Samuel Henry, sen., of Blount county to build a dam across Little River in said county.

A bill to amend and explain part of the 2nd section of an act passed the present session to consolidate the funds and to provide for but one instead of two separate classes of Common Schools in the Hiwassee and Ocoee Districts in the State of Tennessee.

A bill to incorporate the Trustees of Tusculum Academy.

A bill to incorporate the Greeneville Female Academy in the town of Greeneville, and for other purposes.

A bill to extend the limits of the corporation of the town of Lebanon in Wilson county.

A bill in regard to appeals and writs of error.

A bill to appoint commissioners of the Bean's Station Turnpike road, and for other purposes.

A bill to amend the second section of an act to prevent the poisoning of Fish in any of the waters of this State, passed Nov. 19th, 1833, chapter 74.

A bill for the relief of a portion of the citizens of Perry county.

A bill to authorize the refunding of money to sheriffs and tax collectors in certain cases.

A bill to amend an act entitled an act to amend an act entitled an act to dispose of the lands in the Ocoee District, passed the 28th day of November, 1839, chapter 8.

A bill to incorporate the inhabitants of the town of Fort Pickering in the county of Shelby.

A bill to amend the second section of an act entitled an act to incorporate the Clarksville Marine and Fire Insurance and Life and Trust company, passed 15th January, 1840.

Which bills were severally read a second time and passed.

The Senate took up and considered a bill from the House of Representatives explanatory of an act passed Dec. 2, 1831, entitled an act to prevent the violation of graves, &c.

Which bill was read a second time, and the question upon the passage of said bill being had, was had and determined in the negative—ayes 5, noes 17.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Jennings, Peyton, Powell, Ross and Williams—5.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Nelson, Reneau, Sevier, Warner, Waterhouse and mr. Speaker Turney—17.

So said bill was rejected upon its second reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk announce to the House of Representatives the rejection of said bill by the Senate upon its second reading.

The Senate took up and considered a bill from the House of Representatives to compel persons to whom notes are assigned, to give the makers of said notes an opportunity to pay them before being sued.

Which bill was read a second time, when mr. Nelson moved the indefinite postponement of said bill, and the question thereupon being had, was determined in the affirmative.

So said bill was indefinitely postponed upon its second reading in the Senate, and ordered to be transmitted to the House of Representatives.

Ordered, that the Senate acquaint the House of Representatives therewith.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled a bill entitled an act granting Elijah Frost a Turnpike road; also, granting to Andrew K. Parker, John Gillintine and Nicholas M. Gillintine a Turnpike road.

Whereupon, the Speaker of the Senate did sign said enrolled act,

and ordered that the same be transmitted to the House of Representatives.

Mr. *M*atthews submitted the following:

Resolved, That the Senate will have night sessions, to commence at 6 o'clock and continue until 9 o'clock; which being read, was laid on the table.

The Senate, on motion of mr. Ledbetter, took up the resolution adopted by the Senate to elect a second assistant clerk.

The Speaker of the Senate declared that nominations to said office were in order, when mr. Ledbetter put in nomination Ezra Kizor, and mr. Warner nominated William Scott Haynes.

The Senate thereupon proceeded, *viva voce*, to elect a second assistant clerk to the Senate, in conformity to said resolution..

Senators who voted for mr. Kizor were:

Messrs. Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—14.

Senators who voted for mr. William Scott Haynes were:

*M*essrs. Gardner, Johnson, Maclin, Martin, Matthews, Powell, Ross, Warner and Waterhouse—9.

Whereupon, the Speaker of the Senate declared that Ezra Kizor was duly and constitutionally elected second assistant clerk of the Senate.

Mr. Gardner submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State, in issuing certificates of warrants hereafter adjudicated by him, when the warrant belongs to heirs, and the number and heirship of the claimants are proved to his satisfaction, shall issue to each, in his or her name, their proportion of such warrant, in all cases where it is practicable to do so under the provisions of an act passed at the present session of the General Assembly, on the 27th day of January, 1842; and where such equal division between the heirs cannot be made under the provisions of said act, said commissioner shall issue the certificates to the heirs generally, and deliver them to any one of said heirs, or to the agent or attorney of all or any part of said heirs; which being read, was laid on the table.

The Senate took up and considered a message from the House of Representatives directory to the Secretary of State for the State of Tennessee, relating to the adjudication of land warrant No. 1240, for six hundred and forty acres, issued by William Hill, Secretary of the State of North Carolina, to the heirs of Findley McDonald; which being read and considered, the Senate concur therein.

Ordered, that said resolution be transmitted to the House of Representatives for enrollment, and that the clerk acquaint the House with the concurrence of the Senate therein.

The Senate took up and considered a bill from the House of Representatives for the relief of securities and endorsers in certain cases; which being read,

*M*r. Foster moved to amend said bill by striking out of the 10th line of the 1st section, after the words "such person or persons so," the

word "replevying," and insert in lieu thereof the word "staying."

Mr. Foster moved further to amend said bill by striking out of the 20th line of the 1st section, after the words "in procuring such," the word "replevy," and to insert the word "staying;" which being read and considered by the Senate, said amendments were adopted.

And said bill, as amended, was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to incorporate the Tennessee Manufacturing Silk Company and Agricultural School, to teach the art of the culture and manufacture of silk, and for other purposes; which bill was read a second time, and the question upon the passage of said bill was had and determined in the negative.

So said bill was rejected upon its second reading in the Senate.

Whereupon, mr. Sevier moved a re-consideration of the vote rejecting said bill in the Senate upon its second reading, and the question upon the re-consideration of said bill was had and determined in the affirmative—ayes 15, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Johnson, Martin, Matthews, Ross, Warner and Waterhouse —6.

So the Senate agreed to re-consider said bill.

And said bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the penal laws; which bill was read a second time, when

Mr. Ross moved to amend said bill by striking out the 5th section, as follows, to-wit:

Sec. 5. *Be it enacted*, That in all cases where a *qui tam* action is given, or a forfeiture incurred for the violation of any statute, the same may be also punished upon indictment or presentment as a misdemeanor; which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Ross moved further to amend said bill by striking out of the 5th line of the 1st section, after the words "to any free person," the words "or persons;" which being read and considered by the Senate, said amendment was adopted.

And said bill, as amended, was read a second time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 16, noes 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Martin, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier and mr. Speaker Turney—16.

The negative voters were:

Messrs. Hardwicke, Johnson, *M*aclin, Matthews, Miller, Warner, Waterhouse and Williams—8.

So said bill was passed upon its second reading.

The Senate took up and considered a bill from the House of Representatives prescribing the duties of sheriffs and other officers in certain cases; which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives to prevent and suppress the issuing and circulating change bills or tickets of any size or denomination whatever; which being read,

Mr. Foster moved to amend said bill by inserting in the — line of the — section, after the words —— ———, the following words: "or the notes of any incorporated banks of other States;" which bill, as amended, was read a second time and passed.

Mr. Williams asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered a bill from the House of Representatives for the relief of Thomas Maxwell, of Blount county; which bill was read a second time and passed.

On motion of mr. Foster, said bill was referred to the committee on claims.

The Senate took up and considered a bill from the House of Representatives to amend the laws of this State in relation to free persons of color; which being read a second time,

Mr. Jennings moved to amend said bill by inserting in the — line of the — section of said bill, after the words —— ——, the following words: "white persons as security;" which being read and considered, said amendment was adopted.

And said bill, as amended, was read a second time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *M*aclin, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

*M*essrs. Foster, Frey, *M*artin, *M*atthews, *M*iller, *M*otley, Ross and Warner—8.

So said bill was passed upon its second reading; when

Mr. Nelson asked and obtained leave to withdraw said bill for amendment.

On motion of mr. Hardwicke,

The Senate adjourned until Monday morning 9 o'clock.

MONDAY, JAN. 31, 1842.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have taken up and

read a third and last time and passed the following entitled bills, to-wit:

A bill to amend the several acts in this State respecting costs.

A bill to amend the act of 1817, chap. 131, sec. 2, upon the subject of bail bonds and recognizances.

A bill to continue Dr. Gerard Troost Geologist, Mineralogist and Assayer of the State of Tennessee.

A bill to amend an act entitled an act to extend the limits of the corporation of Brownsville.

Which I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives have taken up and read a petition of sundry citizens of Montgomery county, praying the extension of the prison bounds to the limits of said county.

The petition of sundry citizens of Shelby county, praying a charter to build a Turnpike road.

The petition of Joshua Longe, praying to be permitted to hawk and peddle without a license.

Which petitions I am directed to transmit to the Senate.

The House of Representatives have adopted a resolution directory to the Attorney General of the State, requiring him to file a bill in chancery against the East Tennessee College, the Nashville University and Luke Lea.

Which I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives have taken up and cousidered the Senate's amendment to the 6th section of a bill of the House to amend the laws in relation to forcible entry and detainer, and non-concur in said amendment made by the Senate to said bill.

The House of Representatives have taken up and considered the several amendments adopted by the Senate to a bill of the House of Representatives, to charter the District Central Turnpike company.

The House of Representatives concur in the Senate's amendment, adding a proviso to the 7th section of said bill, and non-concur in the Senate's amendment, constituting the 8th section of said bill.

Which I am directed to transmit to the Senate.

The Speaker of the House of Representatives did this day sign the following enrolled bills entitled:

An act, granting to Elijah Frost, a Turnpike road, also granting to Andrew K. Parker, John Gillentine and Nicholas M. Gillentine, a Turnpike road.

An act, to amend the act of 1831, chapter 24.

An act relating to laws in the Ocoee district, and the location of entry for the same.

An act relating to draining swamp lands in the State of Tennessee.

An enrolled resolution, instructing our Senators in Congress, if there be any elected, and requesting our Representatives to vote for the repeal of the Bankrupt law.

Whereupon the Speaker of the Senate did sign the three last named

enrolled acts, and enrolled resolution, and ordered the same to be re-transmitted to the House of Representatives.

The Speaker of the Senate further ordered that the first enrolled act, above mentioned, be deposited in the office of the Secretary of State, for the State of Tennessee,

Mr. Martin introduced the following:

Resolved by the General Assembly of the State of Tennessee, That a further consumption of time in the Legislature will be an useless expenditure of the public money—therefore

Resolved, That this General Assembly, the Senate and House of Representatives, will adjourn without day on Wednesday, the 2d instant, at 3 o'clock, P. M.

Which being read, was laid on the table.

Mr. Nelson returned a bill from the House of Representatives to amend the laws now in force in relation to free persons of color, by him withdrawn for amendment, with the following amendment, to wit:

Sec. 6. *Be it enacted*, That when any free person or persons of color shall be detained in this State by sickness or other unavoidable accident, he she or they while so detained, shall not be subject to the penalties prescribed by the first section of chapter 102, of an act passed at Nashville in the year 1831, nor shall any free person or persons of color be subject to the penalties of said act, unless he she or they shall first have had twenty days notice of the existence of said act, and that it would be put in force against them unless they departed from the State in that time,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved to amend said bill by striking out the 1st, 2d, 3d, 4th and 5th sections of said bill,

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 16, noes 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Ross, Warner and Waterhouse—16.

The negative voters were:

Messrs. Bradbury, Johnson, Laughlin, Nelson, Reneau, Williams and mr. Speaker Turney—7.

So said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had, and determined in the affirmative—ayes 16, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Maclin, Martin Miller, Motley, Nelson, Powell, and mr. Speaker Turney—16.

The negative voters were:

amended, which being had, was determined in the affirmative—ayes 16, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Matthews, Ross, Warner and Waterhouse—9.

So said resolutions as amended were adopted.

Ordered that said resolutions be engrossed and transmitted to the House of Representatives, and that the clerk announce their adoption by the Senate, and ask a con-currence therein.

On motion of mr. Hardwicke,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Peyton returned a bill for the relief of the citizens of this State by him withdrawn for amendment, with the following amendment, to wit: insert in the 6th line of the 1st section after the words "judgment or decree," the following, "on contracts hereafter entered into,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Johnson moved to amend the caption of said bill by inserting the following in lieu of the original, to-wit:

A bill to induce the people to go in debt, and to violate that provision of the constitution of the United States which prohibits any thing from being made a tender in payment of debts except gold and silver.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 4, noes 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson, Nelson, Sevier and Williams—4.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—19.

So said amendment was rejected.

Mr. Ledbetter moved to strike out the caption of said bill, and insert in lieu thereof the following, to-wit:

A bill to compel plaintiffs to take bank notes in payment of all contracts hereafter made, or stay executions twelve months; when

Mr. Williams moved that said bill and amendments be laid on the table until the first day of August next, and the question thereupon being had, was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded,

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Reneau, and Sevier—12.

The negative voters were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross, Warner, Williams and mr. Speaker Turney—13.

The question then recurred upon the adoption of the amendment proposed by mr. Maclin, which being had was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross, Warner, Waterhouse, and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Reneau, Sevier, and Williams—13.

So said amendment was rejected.

Mr. Ross then moved to amend said resolutions, by striking out the preamble thereto, and the question thereupon being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said amendment was adopted.

Mr. Ross moved to amend the first resolution by inserting therein after the words, "obligations and engagements," the word "created,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

The question then recurred upon the adoption of the amendment offered by mr. Warner, in lieu of the original resolution, when

Mr. Powell moved to lay said amendment on the table, and the question thereupon being had, was determined in the affirmative—ayes 17, noes 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Maclin, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier and Williams—17.

The negative voters were:

Messrs. Hardwicke, Laughlin, Martin, Matthews, Ross, Warner, Waterhouse and mr. Speaker Turney—8.

So said motion to lay said amendment on the table prevailed.

The question then recurred upon the adoption of the resolutions as

amended, which being had, was determined in the affirmative—ayes 16, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Matthews, Ross, Warner and Waterhouse—9.

So said resolutions as amended were adopted.

Ordered that said resolutions be engrossed and transmitted to the House of Representatives, and that the clerk announce their adoption by the Senate, and ask a con-currence therein.

On motion of mr. Hardwicke,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Peyton returned a bill for the relief of the citizens of this State by him withdrawn for amendment, with the following amendment, to wit: insert in the 6th line of the 1st section after the words "judgment or decree," the following, "on contracts hereafter entered into,"

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Johnson moved to amend the caption of said bill by inserting the following in lieu of the original, to-wit:

A bill to induce the people to go in debt, and to violate that provision of the constitution of the United States which prohibits any thing from being made a tender in payment of debts except gold and silver.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 4, noes 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson, Nelson, Sevier and Williams—4.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Maclin, Matthews, Miller, Motley, Peyton, Powell, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—19.

So said amendment was rejected.

Mr. Ledbetter moved to strike out the caption of said bill, and insert in lieu thereof the following, to-wit:

A bill to compel plaintiffs to take bank notes in payment of all contracts hereafter made, or stay executions twelve months; when

Mr. Williams moved that said bill and amendments be laid on the table until the first day of August next, and the question thereupon being had, was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, *M*iller, *M*otley, Nelson, Peyton, Powell, Reneau, Ross, Sevier and Williams—15.

The negative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Laughlin, Maclin, *M*atthews, Warner, Waterhouse and mr. Speaker Turney—9.

So said bill and amendments offered thereto was laid on the table until the first day of August next.

The Senate, on motion of mr. *M*otley, took up and considered a bill from the House of Representatives to extend the limits of the corporation of the town of Lebanon, in Wilson county.

Which bill was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

Mr. Hardwicke submitted the following:

Resolved, That the thanks of the Senate be tendered to the Hon. Samuel Turney, Speaker, for the able, disinterested and impartial manner in which he has discharged the duties of the chair during the present session.

Which being read, said resolution was laid on the table.

The Senate took up and considered a bill to suppress usury.

Which bill was read a second time and passed.

Mr. Peyton asked and obtained leave to withdraw said bill for amendment.

*M*r. Williams returned a bill from the House of Representatives to prevent and suppress the issuing and circulating bills or tickets of any size or denomination whatever, by him withdrawn for amendment, with the following amendment, which mr. Williams offered in lieu of the original bill, as follows:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That after the first day of March next, if any person or persons, association, firm, co-partnership or corporation, either by themselves, agent or clerk, shall issue any change bills, tickets or instruments, of any amount or denomination whatever, whether the same be greater or less than one dollar, to be issued or passed as money, or in lieu of money, or to supply the place of change, or to be passed or circulated as currency or money by delivery or endorsement, or otherwise, other than the notes, bills or other authorised issues of the chartered banks of Tennessee, such person or persons shall be liable to indictment or presentment, and on conviction, shall be fined in a sum not less than three thousand dollars, and imprisoned not less than six months, nor more than two years.

Sec. 2. *Be it enacted*, That if any person or persons, firm, co-partnership or corporation, either by themselves, agents or clerks, shall, after having received or taken in any of the bills, tickets or other instruments heretofore issued by them, shall again pay them out, pass or put them in circulation, such person or persons shall be considered

guilty of issuing said bills, tickets or other instruments, and shall be liable and punishable as under the first section of this act; which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a second time and passed.

The Senate took up and considered a message from the House of Representatives transmitting a resolution adopted by the House, directory to the Secretary of State for the State of Tennessee, in relation to the adjudication of certain land warrants, and asking the concurrence of the Senate therein.

Which being read, and the question upon a concurrence in said resolution adopted by the House of Representatives being had, was determined in the negative—ayes 4, noes 19.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Laughlin, Peyton, Renéau and Ross—4.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Jennings, Johnson, Maclin, Matthews, Miller, Motley, Nelson, Powell, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—19.

So the Senate non-concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Waterhouse submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Superintendant of Public Instruction, be and he is hereby authorised to keep his books, and papers, and hold his office in the Senate chamber, from the time of the adjournment of this session of the General Assembly until the commencement of the next session of the same, provided he keeps said chamber and furniture in good repair and condition, during the recess.

Which being read, was laid on the table.

The Senate took up and considered a bill from the House of Representatives to amend the second section of an act, entitled an act, to incorporate the Clarksville Marine and fire Insurance and life and Trust Company, passed 15th January, 1840.

Which bill was read a third time, when mr. Ross moved to amend said bill by adding thereto the following:

Provided, any future Legislature shall have full power to alter, amend or repeal said charter, when in their opinion the public good requires the same,

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Laughlin, Maclin, Matthews, Ross, Warner and Waterhouse—8.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Miller,

Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—13.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill, to provide for but two instead of three annual terms of the Circuit court, in each of the counties west of the Tennessee river, and to fix the time of holding the same,

Which bill was read a third time, when

Mr. Gardner moved to amend said bill by striking out all the amendments made thereto, in relation to the holding the Circuit courts in East Tennessee and Middle Tennessee.

And the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 18, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse and mr. Speaker Turney—18.

The negative voters were:

Messrs. Ashe, Laughlin, Martin, Ross, Warner and Williams—6.

So said amendment was adopted.

The question then recurred, upon the passage of said bill, which being had, was determined in the affirmative—ayes 13, noes 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Jennings, Laughlin, Maclin, Miller, Motley, Nelson, Reneau, Sevier, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Frey, Martin, Matthews, Peyton, Ross, Warner and Williams—7.

So said bill was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill concerning the seat of Government.

Which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives, to require the Trustees of the Trenton Male Academy, to pay over one half of the Academy funds now accrued and unexpended, and also one half of said funds hereafter to accrue to the Trustees of the Trenton Female Academy.

Which bill was read a third and last time, and the question, shall said bill pass, was had, and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate

and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate on motion of mr. Nelson, took up and considered a bill for the benefit of the Hiwassee Railroad Company, and to incorporate the Central Turnpike Company, and the Turnpike Company in East Tennessee.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the negative—ayes 3, noes 22.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Miller, Nelson and Williams—3.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Motley, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—22.

So said bill was rejected upon its third and last reading in the Senate.

The Senate took up and considered a bill from the House of Representatives to consolidate the Surveyor's and entry taker's offices of Giles county, and for other purposes.

Which bill as amended was read a third time, when

Mr. Martin moved to amend said bill by adding thereto the following, to constitute the 3d and 4th sections of said bill, to wit:

Sec. 3. *Be it enacted*, That the Entry taker's office for that part of Maury county, lying South and West of the Congressional reservation line, is hereby attached to, and united with the Surveyor's office of said county, that the Surveyor thereof is authorised to receive all the fees, be allowed all the privileges, and perform all the duties, which are by law allowed to and required of Entry takers and Surveyors South and West of said line.

Sec. 4. *Be it enacted*, That it shall be lawful for said Surveyor's office to be kept at *Mount* Pleasant in said county, or such other place within the aforesaid part of said county, as the incumbent may think most convenient, and that he be allowed to appoint deputies to discharge the duties of the office if necessary,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative.

So said bill as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives for the relief of Abithel Wallace, Sheriff of Stewart county.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 14, nays 7.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Hardwicke, Johnson, Laughlin, Ledbetter, maclin, motley, Peyton, Powell, Reneau, Warner, Williams and mr. Speaker Turney—14.

The negative voters were:

*M*essrs. Frey, matthews, miller, Nelson, Ross, Sevier, and Waterhouse—7.

So said bill passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to restore John Wilson, of Blount county, to the privileges of citizenship.

Which bill as amended was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the Senate's amendment to said bill and ask a concurrence therein.

The Senate took up and considered a bill to appropriate the State tax of Hardin county for two years to county purposes.

Which bill was read a third and last time, when

Mr. Johnson moved to amend said bill by inserting therein after the words "Hardin county" the words "Washington county."

Mr. Williams moved to insert "Mulberry county," when established.

Mr. Sevier moved to amend said bill by inserting the counties of "Carroll, Gibson and Dyer."

Which being read, and said amendments severally considered, said amendments were rejected.

And the question recurring upon the passage of said bill was had and determined in the affirmative—ayes 16, nays 7.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *M*aclin, *M*artin, *M*atthews, *M*iller, Peyton, Reneau, Waterhouse and mr. Speaker Turney—16.

The negative voters were:

*M*essrs. Frey, *M*otley, Nelson, Ross, Sevier, Warner, and Williams —7.

So said bill was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill for the relief of Humphries and Benton counties.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 11, nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, maclin, Peyton, Waterhouse and mr. Speaker Turney—11.

The negative voters were:

Messrs. Ashe, Frey, martin, matthews, motley, Nelson, Ross, Sevier, Warner and Williams—10

So said bill was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill for the relief of Carroll county, and for other purposes.

Which bill was read a second time, and the question upon the passage of said bill being had was determined in the negative—ayes 10, nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Jennings, Johnson, Laughlin, maclin, martin, Peyton, Powell, Sevier, and Waterhouse—10.

The negative voters were:

Messrs. Bradbury, Frey, Gardner, Hardwicke, Ledbetter, matthews, miller, motley, Nelson, Reneau, Ross, Warner, Williams and mr. Speaker Turney—14.

So said bill was rejected upon its second reading in the Senate.

The Senate took up and considered a bill for the relief of Cannon county.

Which bill being read a second time, when mr. Sevier moved to amend said bill by inserting therein "the counties of Gibson, Carroll and Dyer."

Mr. Martin moved further to amend said bill by inserting therein "all the counties in the State."

Which being read and considered by the Senate said amendments were adopted.

And said bill as amended was read a second time, and the question upon the passage of said bill was had and determined in the negative—ayes 5, nays 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Johnson, Laughlin, Ledbetter, Maclin, and Warner—5.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Martin, *Matthews, Miller, Motley*, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Williams and mr. Speaker Turney—19.

So said bill was rejected upon its second reading in the Senate.

The Senate took up and considered a bill to encourage the culture of silk in the State of Tennessee.

Which bill was read a third time, when mr. Laughlin moved to amend said bill, by adding to the end of the first section the following, to-wit:

Provided That no one person, family or firm, shall receive more than twenty dollars in bounties in any one year under this act.

Which being read and considered, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 15, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Maclin, Miller, Motley, Nelson, Peyton, Powell, Reneau, and mr. Speaker Turney—15.

The negative voters were:

Messrs. Hardwicke, Johnson, Ledbetter, Martin, Matthews, Ross, Sevier, Warner, Waterhouse and Williams—10.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill to amend an act entitled an act to prescribe certain duties to be performed by the clerks of the several courts in this State, and for other purposes.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 20, nays 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—20.

The negative voters were:

Messrs. Martin, Matthews, and Motley—3.

So said bill was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill for the relief of Somerville College.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the negative—ayes 10, nays 14.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Jennings, Johnson, Maclin, Peyton, Powell, Waterhouse and mr. Speaker Turney—10.

The negative voters were:

Messrs. Foster, Frey, Laughlin, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Reneau, Ross, Sevier, Warner, and Williams—14.

So said bill was rejected upon its third and last reading in the Senate.

Mr. Martin moved a re-consideration of the vote of the Senate rejecting, upon its third and last reading, a bill for the relief of Somerville College; and the question thereupon being had, was determined in the affirmative—ayes 16, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, *M*aclin, *M*iller, *M*otley, Nelson, Peyton, Powell, Reneau, Sevier and mr. Speaker Turney—16.

The negative voters were:

*M*essrs. Johnson, Ledbetter, *M*artin, *M*atthews, Ross, Warner, Waterhouse and Williams—8.

So said motion to re-consider said bill prevailed.

The Senate took up and considered a bill for the relief of Somerville College; which bill was read a third time, when

*M*r. Martin moved to amend said bill by striking out of the same, wheresoever the same occurs in said bill, the words "two thousand and five hundred," and to insert in lieu thereof the words "one thousand;" which being read and considered, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Jennings, Johnson, Laughlin, maclin, martin, miller, Peyton, Powell, Ross, Waterhouse, Williams and mr. Speaker Turney—15.

The negative voters were:

*M*essrs. Foster, Frey, Hardwicke, Ledbetter, matthews, *M*otley, Nelson, Reneau, Sevier and Warner—10.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of mr. Waterhouse, took up and considered a bill to establish a branch of the Bank of Tennessee at Chattanooga, in the county of Hamilton.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Jennings, Laughlin, *M*aclin, Reneau, Warner, Waterhouse and mr. Speaker Turney—10.

The negative voters were:

Messrs. Ashe, Foster, Frey, Ledbetter, Martin, Matthews, Miller, *M*otley, Nelson, Peyton, Ross, Sevier and Williams—13.

So said bill was rejected upon its third and last reading in the Senate.

The Senate took up and considered a bill to regulate banking corporations in this State, and to define the jurisdiction of courts of chancery in relation to the same; which being read a second time,

Mr. Nelson moved to lay said bill on the table, and the question thereupon being had, was determined in the affirmative--ayes 14, noes 11.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse and mr. Speaker Turney —14.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin; Matthews, Powell, Ross and Warner—11.

So said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives giving further time to former sheriffs to collect arrearages of taxes; which bill being read,

Mr. Hardwicke moved to amend said bill by adding thereto the following: "*Provided,* no former sheriff shall be authorised to enforce the payment of any taxes under the provisions of this act, without first making oath before some acting justice of the peace for the county, that the amount claimed is due and unpaid, and that said former sheriff has paid and accounted for the same to the State Treasurer and county Trustee in their annual settlements; which being read and considered by the Senate, said amendment was adpted.

And said bill, as amended, was read a second time and passed.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the amendments of the Senate made to the resolution of the House, proposing that the Senate meet the House in their Hall on Tuesday, the 1st of February next; and the House of Representatives concur in the amendment made by the Senate. And then he withdrew.

Mr. Warner returned a resolution requiring the banks of Tennessee to resume specie payments, &c., by him withdrawn for amendment, without amendment; which being read,

Mr. Johnson offered the following resolutions in lieu thereof, to-wit:

Resolved by the General Assembly of the State of Tennessee, That it is the opinion of this Legislature, that the charter of the corporation of the President, Directors and Company of the Union Bank of the State of Tennessee, passed October 18, 1832, and also the charter of the corporation of the Planters' Bank of Tennessee, passed November 15, 1833, and also the charter of the corporation of the President, Directors and Company of the Farmers' and Merchants' Bank of Memphis, passed November 27, 1833, and their respective

branches, have each been violated by their respective boards of Directors, and that the said charters have been forfeited.

Resolved, That the Attorney General of the State of Tennessee be, and he is hereby directed to apply forthwith to the judges of the Supreme court of the State of Tennessee, calling upon the President, Directors and Company of the Union Bank of the State of Tennessee, and the President, Directors and Company of the Planters' Bank of Tennessee, to show cause why their respective charters shall not be declared forfeited, and that the judges of the Supreme court shall direct a *scire facias* to issue in the name of the State of Tennessee, calling upon said corporations to show cause why their charters shall not be declared forfeited; and said writ or writs of *scire facias* shall specify with precision the nature of the complaint, and the grounds upon which the forfeiture is claimed.

Resolved, That the Attorney General of the 11th solicitorial district of the State of Tennessee be, and he is hereby directed to apply to the judge of the Circuit court of Shelby county for a writ of *scire facias* at the first term of said court after the adoption of this resolution; and it shall be the duty of said judge to direct a *scire facias* to issue from the said court, in the name of the State of Tennessee, calling upon the said corporation of the Farmers' and Merchants' Bank of Memphis to show cause why their charter shall not be declared forfeited; and the said writ of *scire facias* shall specify with precision the nature of the complaint, and grounds upon which the forfeiture is claimed.

Resolved, That the Attorneys General aforesaid are hereby directed to stay said proceedings against said corporations respectively: *Provided*, the said President, Directors and Company of the said corporation shall *bona fide* resume the payment of specie for their respective liabilities according to their said charters, on or before the first day of July, in the year 1842; but if the said corporate authorities, or either of them, shall fail or refuse to resume specie payments on or before the said first day of July, 1842, then the said proceedings shall be prosecuted against the corporations so refusing without delay to final judgment, unless otherwise directed by the Legislature of this State.

Resolved, That the Bank of Tennessee and its branches are hereby directed to resume the payment of specie for their respective liabilities, according to their said charters, whenever the said Union Bank of the State of Tennessee, the Planter's Bank of Tennessee, or either of them, and the Farmers and Merchants Bank of Memphis shall resume specie payments and continue the same in good faith so long as said stock banks shall continue to do so.

Which being read, mr. Foster moved to strike out of the 4th resolution, wheresoever the same occurs, the words "1st July, 1842," and insert in lieu thereof "1st January, 1843."

And the question upon the adoption of said amendment being had was determined in the affirmative—ayes 13, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Martin, Mil-

ler, motley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, maclin, matthews, Powell, Ross, Warner and Williams—11.

So said amendment was adopted.

Mr. Foster moved to amend the 4th resolution by inserting therein after the words "1843" the following: "But if the Banks of Kentucky and Louisiana shall resume specie payments before the 1st day of January, 1843, then the several Banks of this State shall resume within twenty days from the time of resumption by the Banks of Kentucky and Louisiana."

Which being read, and the question upon the adoption of said amendment being had was determined in the affirmative.

So said amendment was adopted.

Mr. Foster moved to amend said resolutions by striking out the first resolution.

And the question thereupon being had was determined in the affirmative—ayes 14, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *M*artin, *M*iller, *M*otley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson Laughlin, maclin, matthews, Powell, Ross, Warner and Williams—10.

So said amendment was adopted.

Mr. Foster moved to amend the second resolution by striking out the word "forthwith," and the question thereupon being had was determined in the affirmative—ayes 14, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, martin, miller, motley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—14.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, matthews, Powell, Ross, Warner, Waterhouse, and Williams—11.

So said amendment was adopted.

Mr. Foster moved further to amend the 2nd resolution after the words "Planters Bank of Tennessee," to insert the following "if they shall not resume specie payments as hereinafter directed and ordered, as it is the opinion of this General Assembly such failure or refusal to resume specie payments by said corporations or either of them will be a violation of their respective charters, and that the same will be forfeited."

Which being read and considered by the Senate said amendment was adopted.

The question then recurred upon the adoption of the resolutions as

amended, in lieu of the resolutions proposed by mr. Warner—and the question thereupon being had was determined in the affirmative.

So the resolutions proposed by mr. Johnson as amended, were adopted in lieu of the resolutions offered by mr. Warner.

Mr. Peyton moved that the Senate adjourn until 6 o'clock P. M. this evening.

Mr. Hardwicke moved that the Senate adjourn until 9 o'clock on to-morrow morning.

And the question thereupon being had was determined in the negative—ayes 11, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Warner and mr. Speaker Turney—11.

The negative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Martin, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Waterhouse and Williams—13.

So said motion to adjourn was rejected.

The question then recurred upon the adoption of said resolutions as amended, which being had was determined in the affirmative—ayes 16, nays 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Motley, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Bradbury, Frey, Jennings, Miller, Nelson, Peyton, Reneau, and Sevier—8.

So said resolutions as amended were adopted.

Ordered that said amended resolutions be engrossed and transmitted to the House of Representatives—that the clerk announce to the House of Representatives the adoption of said amended resolutions and ask a concurrence therein.

On motion of mr. Hardwicke,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, FEB. 1, 1842.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and passed upon their third and last reading the following entitled bills, to-wit:

A bill to amend an act, entitled an act, to distribute one hundred thousand dollars among the several counties of Middle Tennessee, and for other purposes.

A bill to amend an act, entitled an act, to relieve the counties of this State, from the payment of costs in certain cases, passed January 18th, 1830.

A bill to amend an act, entitled an act, to prescribe certain duties to be performed by the clerk of the several courts in this State.

A bill to amend the several acts passed heretofore, in relation to the corporation of the town of Jonesborough.

A bill to amend the charter of the corporation of the town of Nashville.

A bill directory to the Secretary of State to have bound certain pamphlets, acts of Congress, and for other purposes.

A bill to restore William Hamilton to the rights of citizenship.

A bill to legalise marriage license in Jefferson county.

The House of Representatives have taken up, read a third time, amended and passed the Senate's bill to prevent Indictments in certain cases, which amendment is herewith transmitted, in which I am directed to ask the concurrence of the Senate.

The House of Representatives have taken up and read a third and last time, and passed without amendment the Senate's bill to amend an act, to regulate the salaries of the officers of the Bank of Tennessee and branches, passed 28th January, 1840, which I am directed to transmit to the Senate.

The House of Representatives re-cede from their amendment, non-concurred in by the Senate, to the report of the joint Select committee, appointed to ascertain the number of Acts and Journals of the present General Assembly to be printed and distributed, which I am directed to transmit to the Senate.

The House of Representatives have taken up, read a third time, and passed a bill to incorporate the Southern University at Lebanon, Wilson county, which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Gardner submitted the following:

Whereas, the soil and climate of Tennessee are peculiarly adapted to the growth of Tobacco, and her citizens are extensively engaged in the culture of tobacco, which forms the principal commodity of their exports, and

Whereas, the course of trade renders the shipment of tobacco produced in the Mississippi valley, and especially in this State to New Orleans, the commercial emporium of the South-west, indispensible to its exportation or re-shipment to the American markets; and

Whereas, it is believed by this General Assembly from information derived from planters engaged in the culture of this staple, and others familiar with the tobacco trade in New Orleans, that under the existing laws of Louisiana regulating the inspection of this article, and the customs and rules of commission houses connected with this branch of business, abuses are practiced, and unavoidable and extravagant charges made, injuriously affecting the rights and interests of such of our citizens as send their tobacco to New Orleans; and

Whereas, in this catalogue of abuses, the members of this General Assembly, deem it their duty to state that the following are among the number considered of sufficient importance to deserve a special enumeration—namely:

1. The custom of the Inspectors in New Orleans to charge the owner of the tobacco inspected or his agent, forty cents in each Hogshead for delivering a paste-board scrip, on which is marked in pencil, the class in which the tobacco has been placed by the Inspector. This is charged as an abuse unauthorised by the laws of Louisiana, and is said not to have existed from 1819 to 1835, at which latter period it is alleged it sprung up, and has since amounted to $8,000 per annum or $48,000, within the last six years.

2. The charge of 75 cents for cooperage, 25 cents for weighing, and one dollar for repacking on each hogshead, is believed by this General Assembly to be too high, and forms a just ground of complaint on the part of our citizens.

3. The charge by warehouse-keepers of fifty cents per month on each hogshead for storage is also complained of as being unreasonable, and as an evidence of the existence of this grievance it is asserted that commission merchants in New Orleans are rapidly realizing large fortunes after paying from five to seven thousand dollars per annum rent for a single warehouse, which they use only about six months in the year.

4. It is also represented to the General Assembly that small parcels of tobacco, amounting to from 30 to 50 pounds, are taken from each hogshead in the process of inspection and not restored to it in re-packing, which is often totally lost to the owner, and when accounted for at all, it is only at one half the price usually paid for the same quality of tobacco in the market at the time of its subtraction from the hogsheads, other abuses of minor importance to the foregoing are said to be practiced; and other grievances of a more trivial character are charged to exist, which a sense of justice to the tobacco grower of the valley of the Mississippi demand should be corrected and redressed by the legislative authority of Louisiana, which alone can afford the desired relief. For remedy whereof—

1. *Resolved by the General Assembly of the State of Tennessee*, That on behalf of our constituents, the early and serious attention of the Legislature of the State of Louisiana be, and the same is hereby earnestly and respectfully invited to the favorable consideration of this subject on the application of the necessary correction to the abuses and grievances set forth and complained of in the foregoing preamble, by the revision and improvement of the tobacco inspection system of said State, and the enactment of a law regulating the charges of warehouse keepers for the storage of this article.

2. *Resolved*, That the Governor of this State be, and he is hereby instructed to transmit to the Governor of Louisiana, a copy of the foregoing preamble and resolutions, with a request that the same be laid before the Legislature of said State as early as practicable.

Which being read, the rule requiring resolutions to lie over one day being suspended, said resolutions were adopted.

Ordered that the clerk acquaint the House of Representatives therewith, and ask a concurrence therein.

The Senate took up and considered a bill to incorporate the Southern University at Lebanon, Wilson county, Tennessee.

Which bill was read a first time and passed.

The Senate took up and considered a bill from the House of Representatives for the correction of certain mistakes in the entry of lands in the Ocoee District, and for other purposes.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 13, nays 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Jennings, Martin, Matthews, Miller, Powell, Reneau, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Frey, Laughlin, Ledbetter, Maclin, Motley, Nelson, and Warner—7.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to authorize the refunding of money to sheriffs and tax collectors in certain cases.

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative—ayes 15, nays 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Peyton, Powell, and Sevier—7.

The negative voters were:

Messrs. Motley, Nelson, Reneau, Warner, Waterhouse, Williams, and mr. Speaker Turney—7.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate, on motion of mr. Warner, took up and considered a message from the House of Representatives, transmitting the amendment of the House of Representatives to the Senate's bill to prevent indictments and presentments in certain cases; which being read,

On motion of mr. Ross, said message was laid on the table.

A message from the House of Representatives by mr. Mitchell their Clerk.

MR. SPEAKER: The House of Representatives have taken a recess preparatory to the going into an election for a judge of the Criminal court for Davidson county, set apart for this day by a resolution of the General Assembly. And then he withdrew.

Whereupon, the Senate in like manner took a recess preparatory to the meeting of the House of Representatives in their Hall this day in

convention, to go into the election of a judge of the Criminal court of Davidson county.

The Senate came to order upon the call of the Speaker.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives is now ready to receive the Senate at their Hall, for the purpose of going into the election set apart for this day. And then he withdrew.

Whereupon, the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives to go into said election set apart for this day.

Mr. Speaker Turney of the Senate and mr. Speaker Douglass in the chair of the Speaker of the House of Representatives.

When mr. Speaker Turney directed that the resolution authorising the convention of both Houses of the General Assembly be read; which being done,

Mr. Speaker Turney declared that nominations were then in order.

Whereupon, mr. Ashe nominated William K. Turner.

Mr. Laughlin nominated Henry Hollingsworth.

Mr. Burton nominated John W. Perkins.

The Senate then proceeded, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, motley, Peyton, Reneau, Sevier and Williams—11.

The votes of the House of Representatives cast for mr. Turner as reported being 29—in all 40.

Senators who voted for mr. Hollingsworth were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner and Waterhouse—11.

The votes of the House of Representatives cast for mr. Hollingsworth as reported being 28—in all 39.

Senators who voted for mr. Perkins were:

Messrs. Bradbury, Nelson and mr. Speaker Turney— 3.

The votes of the House of Representatives cast for mr. Perkins as reported being 15—in all 18.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question, Will the convention proceed in said election? being had, was determined in the affirmative.

The convention then proceeded a second time, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, Motley, Peyton, Reneau, Sevier and Williams—11.

The votes cast by the House of Representatives for mr. Turner as reported being 28—in all 39.

Senators who voted for mr. Hollingsworth were:

Messrs. Gardner, Johnson, Laughlin, Maclin, *Martin, Miller*, Powell, Ross, Warner and Waterhouse—10.

The votes cast by the House of Representatives for mr. Hollingsworth as reported being 27—in all 37.

Senators who voted for mr. Perkins were:

Messrs. Bradbury, Matthews, Nelson and mr. Speaker Turney—4.

The votes cast by the House of Representatives for mr. Perkins as reported being 17—in all 21.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question, Shall the convention proceed in said election? being had, was determined in the affirmative.

The convention then proceeded a third time, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, Motley, Peyton, Reneau, Sevier and Williams—11.

The votes cast by the House of Representatives for mr. Turner as reported being 28—in all 39.

Senators who voted for mr. Hollingsworth were:

Messrs. Gardner, Johnson, Laughlin, Maclin, *M*artin, Matthews, Miller, Powell, Ross, Warner and Waterhouse—11.

The votes cast by the House of Representatives for mr. Hollingsworth as reported being 27—in all 38.

Senators who voted for mr. Perkins were:

*M*essrs. Bradbury, Nelson and mr. Speaker Turney—3.

The votes cast by the House of Representatives for mr. Perkins as reported being 17—in all 20.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question, Shall the convention proceed in said election? being had, was determined in the affirmative.

The convention then proceeded a fourth time, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, *M*otley, Peyton, Reneau, Sevier and Williams—11.

The votes cast by the House of Representatives for mr. Turner as reported being 29—in all 40.

Senators who voted for mr. Hollingsworth were;

*M*essrs. Gardner, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner and Waterhouse—11.

The votes cast by the House of Representatives for mr. Hollingsworth as reported being 29—in all 40.

Senators who voted for mr. Perkins were:

Messrs. Bradbury, Nelson and mr. Speaker Turney—3.

The votes cast by the House of Representatives for mr. Perkins as reported being 14—in all 17.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question, Shall said convention proceed in said election? being had, was determined in the affirmative.

The convention then proceeded a fifth time, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, *Mot*-ley, Peyton, Reneau, Sevier and Williams—11.

The votes cast by the House of Representatives for mr. Turner as reported being 34—in all 45.

Senators who voted for mr. Hollingsworth were:

Messrs. Gardner, Johnson, Laughlin, *Maclin*, *Martin*, *Matthews*, *Miller*, Powell, Ross, Warner and Waterhouse—11.

The votes cast by the House of Representatives for mr. Hollingsworth as reported being 28—in all 39.

Senators who voted for mr. Perkins were:

Messrs. Bradbury, Nelson and mr. Speaker Turney—3.

The votes cast by the House of Representatives for mr. Perkins as reported being 10—in all 13.

Neither of said candidates having received a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question, Shall the convention proceed in said election? being had, was determined in the affirmative.

The convention then proceeded a sixth time, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, *Mot*-ley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The votes cast by the House of Representatives for mr. Turner as reported being 33—in all 45.

Senators who voted for mr. Hollingsworth were:

Messrs. Gardner, Johnson, Laughlin, Maclin, *Martin*, *Matthews*, *Miller*, Powell, Ross, Warner and Waterhouse—11.

The votes cast by the House of Representatives for mr. Hollingsworth as reported being 29—in all 40.

Senators who voted for mr. Perkins were:

Mr. Bradbury and mr. Speaker Turney—2.

The votes cast by the House of Representatives for mr. Perkins as reported being 10—in all 12.

Neither of said candidates having a majority of all the votes cast in said conventon, the Speaker of the Senate declared that there was no election, and the question, Shall the convention proceed in said election? being had, was determined in the affirmative.

The convention then proceeded a seventh time, *viva voce*, to elect a judge of the Criminal court for Davidson county.

Senators who voted for mr. Turner were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams —14.

The votes cast by the House of Representatives for mr. Turner as reported being 39—in all 53.

Senators who voted for mr. Hollingsworth were:

Messrs. Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner and Waterhouse—10.

The votes cast by the House of Representatives for mr. Hollingsworth as reported being 25—in all 35.

Mr. Speaker Turney voted for mr. Perkins.

The votes cast by the House of Representatives for mr. Perkins as reported being 6—in all 7.

It appearing that William K. Turner had received 53 votes, being a majority of all the votes cast in said convention.

Whereupon, the Speaker of the Senate declared that William K. Turner was duly and constitutionally elected judge of the Criminal court for the county of Davidson, for the next eight years from this day.

Whereupon, the convention rose, and mr. Speaker Turney and gentlemen of the Senate returned to their own chamber, and resumed their session.

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of mr. Warner, took up and considered a message from the House of Representatives transmitting an amendment made by the House of Representatives to the Senate's bill to prevent indictments and presentments in certain cases, which amendment, in lieu of the whole bill, being read,

Mr. Warner moved a non-concurrence in said amendment to said bill; which being considered, the Senate non-concur in the amendment of the House of Representatives to said bill.

Ordered, that an insisting message be transmitted to the House of Representatives, and that the House be requested to recede from said amendment.

Ordered, that the clerk acquaint the House of Representatives with the non-concurrence of the Senate in the amendment made by the House to said bill, and request that the House recede from said amendment.

On motion of mr. Maclin, the select committee to whom had been referred a bill to charter the Bank of Fort Pickering, from the further consideration of said bill be discharged; which bill being read a second time,

Mr. Maclin moved to amend said bill by inserting the following in lieu of the 11th article:

Art. 11. The said bank shall not directly or indirectly demand, take or receive, by way of discount or for interest, a greater sum or sums than the following rates: that is to say, for all papers discounted by said bank, six per cent. per annum until the same is due and payable: *Provided*, that this article shall not be construed so as to prevent said bank from demanding and receiving a reasonable premium for exchange, in addition to the six per cent. interest upon bills or notes payable at a point beyond the limits of this State; which being read and considered by the Senate, said amendment was adopted.

Mr. *M*aclin moved to amend said bill by striking out the 15th section and to insert the following in lieu thereof, to-wit:

Sec. 15. *Be it enacted*, That in consideration of the privileges granted by the charter, the bank agrees to pay annually one half of one per cent on the capital stock paid in, to the State of Tennessee for the use of common schools, which sums shall from time to time, be added to the common school fund under the direction of the Legislature.

Which being read, and the sense of the Senate thereon being had, said amendment was adopted.

Mr. Maclin moved further to amend said bill and offered the following to constitute the 16th, 17th and 18th section, to-wit:

Sec. 16. *Be it enacted*, That if the said Bank shall at any time fail or refuse to pay specie for its notes or any of them, in accordance with the terms expressed in the face thereof for a period of time exceeding one hundred days, any holder or holders of the notes of said bank to the amount of dollars, shall have the right to file his, her or their bill in the chancery court of the district in which said bank may be located or do business, for the purpose of liquidating the concerns of said Bank, and the court aforesaid shall have jurisdiction over said cause and shall have power and are hereby authorised and required to appoint receivers and do all other acts necessary and proper to a final adjustment of the concerns of the said institution and shall decree a *pro rata* distribution amongst all the creditors thereof.

Sec. 17. *Be it enacted*, That the individual property of each stockholder in said institution shall be bound for the payment of all debts and liabilities thereof, to the amount of stock respectively subscribed or owned by said stockholders.

Sec. 18. *Be it enacted*, That in case said bank shall suspend the payment of specie on its notes or deposits for the time mentioned in the section of this act and shall then resume the payment of specie to avail itself of the provisions of said section, that it shall be required to continue and maintain *bona fide* the payment of specie after such resumption and in the event it suspends or refuses to pay specie for all its notes when presented, then any holder or holders of notes as aforesaid shall have the right to file his bill and proceed against said bank as though it had continued the suspension or refusal to redeem its liabilities in gold and silver.

Sec. *Be it enacted*, That the Legislature may alter amend or repeal said act, when they may deem it necessary for the interest of the State.

Which being read, said amendment was adopted, and said bill as amended, was read a second time and passed.

Mr. Laughlin moved to take up the consideration of a bill from the House of Representatives to incorporate the Penitentiary Turnpike company.

And the question "will the Senate take up and consider said bill?" being had was determined in the affirmative—ayes 14, nays 10.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Gardner, Laughlin, maclin, miller, motley,

Nelson, Peyton, Powell, Ross, Warner, Waterhouse, and mr. Speaker Turney—14.

The negative voters were:

*M*essrs. Foster, Frey, Jennings, Johnson, Ledbetter, *M*artin, Matthews, Reneau, Sevier, and *W*illiams—10.

So said motion to take up and consider said bill prevailed.

And said bill was thereupon read a second time, when mr. Foster moved to amend said bill by inserting in the line of the section the following: "that no gate shall be nearer to the limits of the corporation of Nashville than two inches."

Which being read, mr. Laughlin moved to lay said amendment on the table, and the question thereupon being had was determined in the affirmative—ayes 13, nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Johnson, Laughlin, maclin, miller, Powell, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Foster, Frey, Jennings, Ledbetter, martin, matthews, motley, Nelson, Peyton, and Reneau—10.

So said motion to lay said amendment on the table prevailed.

Mr. Foster moved to amend said bill by inserting therein the following:

Provided the first gate next to Nashville shall be located beyond where the public road leading from Franklin to Nashville by Compton's called the Wharton's road intersects the Centreville road.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 11, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Jennings, Ledbetter, martin, matthews, miller, motley, Nelson, Sevier, and Williams—11

The negative voters were:

Messrs. Ashe, Bradbury, Gardner, Johnson, Laughlin, Peyton, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—11.

So said amendment was rejected.

Mr. Matthews moved to amend said bill by adding thereto the following:

Be it enacted, That all persons going to and returning from the market of the town of Nashville shall be allowed to pass and repass free of toll on said turnpike road.

Which being read—

Mr. Ross moved to lay said amendment on the table.

And the question thereupon being had was determined in the negative.

So said amendment was rejected.

Mr. *M*atthews moved to amend said bill by adding thereto the following proviso:

Provided, That nothing in this act shall be so construed as to pre-

vent any future Legislature from amending altering or repealing said charter.

Which being read, mr. Warner moved to lay said amendment on the table.

And the question thereupon being had was determined in the negative—ayes 11, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Laughlin, Miller, Peyton, Ross, Sevier, Warner, Waterhouse, and mr. Speaker Turney—11.

The negative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Martin, Matthews, Motley, Nelson, Reneau and Williams —13.

So said motion to lay said amendment on the table was rejected.

The question then recurred upon the adoption of said proviso as an amendment to said bill, which being had was determined in the negative—ayes 11, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Ledbetter, Maclin, Martin, *M*atthews, *M*otley, Nelson, and Reneau—11.

The negative voters were:

Messrs. Ashe, Bradbury, Gardner, Laughlin, *M*iller, Peyton, Powell, Ross, Sevier, Warner, Waterhouse, and mr. Speaker Turney—12.

So said amendment was rejected.

Mr. Jennings moved to amend said bill by striking out the 12th section, and the question thereupon being had was determined in the negative—ayes 12, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Ledbetter, Martin, Matthews, Motley, Nelson, Reneau, Sevier, and Williams—12.

The negative voters were:

*M*essrs. Ashe, Bradbury, Gardner, Johnson, Laughlin, Maclin, Miller, Peyton, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said amendment was rejected.

Mr. Martin moved to amend said bill by adding thereto the following:

Be it enacted, That all persons coming to Nashville with the produce of their labor, shall not pay toll at the gate next to Nashville when coming to market,

Which being read, mr. Ross moved to lay said amendment on the table, and the question thereupon being had, was determined in the affirmative—ayes 17, noes 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Johnson, Laughlin, Maclin, Miller,

Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Martin, Matthews, Motley, and Nelson—8.

So said motion to lay said amendment on the table prevailed.

The question then recurred upon the passage of said bill upon its second reading, which being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Johnson, Laughlin, Maclin, Miller, Peyton, Powell, Reneau, Ross, Sevier Warner, Waterhouse and mr. Speaker Turney—15.

The negative voters were:

Messrs. Foster, Frey, Hardwicke, Jennings, Ledbetter, Martin, Matthews, Motley, Nelson and Williams—10.

So said bill was passed upon its second reading in the Senate.

The Senate took up and considered a message from the House of Representatives, transmitting the non-concurrence of the House of Representatives, to the amendment made by the Senate to a bill from the House of Representatives, to amend the laws in relation to forcible entry and detainer,

Which being read, the Senate adhere to their said amendment made to said bill.

Ordered that the clerk announce to the House of Representatives the adherence of the Senate in their amendment made to said bill, and to insist that the House of Representatives, now do concur in said amendments made to said bill by the Senate.

The Senate on motion of mr. Matthews, took up and considered a resolution by him submitted on yesterday, resolving that the Senate will hold night sessions.

Which being read, and the question upon the adoption of said resolution being had, was determined in the affirmative.

So said resolution was adopted.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third time and passed the following bills, to wit:

A bill to suppress frauds in corporations, which I am directed to transmit to the Senate.

The House of Representatives have read a third time and passed with an amendment in lieu of the whole bill, the Senate's bill to authorise the sale of the bonds of the State, (known as the river bonds,) allotted to East Tennessee and the Western District, by the act of 1837-8, and for other purposes, which amendment is herewith transmitted, in which I am directed to ask the concurrence of the Senate.

The House of Representatives have taken up and considered the message of the Senate, transmitting a resolution of the Senate, requiring the Comptroller of the Treasury to allow the Sheriff of Sumner county com-

mission on tax, by him collected for the year 1840, in which the House of Representatives concur, and which I am directed to transmit to the Senate.

The Speaker of the House of Representatives did this day sign an enrolled bill, entitled

An act, to establish a Chancery court in the county of Campbell.

The Speaker of the House of Representatives also signed an enrolled resolution, entitled a resolution directory to the Secretary of State, to adjudicate warrant No. 1240—which enrolled act and resolution I am directed to trasmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and resolution, and ordered that the same be re-transmitted to the House of Representatives, for the further action of the House thereon to be had.

Mr. Gardner asked and obtained leave of absence, for the Honorable Jonathan P. Hardwicke, a Senator from Dickson, during the balance of the present session of this General Assembly, he being compelled to attend to matters important to his interest, which imperatively demands and requires his personal presence.

The Senate on motion of mr. Martin took up and considered a resolution by him submitted on yesterday, proposing that this General Assembly adjourn *sine die*, on Wednesday the 2d inst., at 2 o'clock, P. M.

Which being read,

Mr. Sevier moved the indefinite postponement of said resolution, and the question thereupon being had, was determined in the affirmative.

So said resolution was indefinitely postponed.

The Senate took up and considered a bill from the House of Representatives, prescribing the duties of Sheriffs and other officers in certain cases.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the negative—ayes 5, noes 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Gardner, Hardwicke, Jennings, and mr. Speaker Turney—5.

The negative voters were:

Messrs. Ashe, Bradbury, Frey, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Ross, Sevier, Warner, Waterhouse and Williams—19.

So said bill was rejected upon its third and last reading in the Senate

Ordered that said bill be transmitted to the House of Representatives, and that the clerk announce the rejection of said bill by the Senate, upon its third and last reading.

The Senate took up and considered a bill from the House of Representatives, to restore John Wilson of Blount county, to the privileges of citizenship.

Which bill as amended was read a third and last time, and the question shall said bill pass, was had and determined in the affirmative.

So said bill as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, giving further time to former Sheriffs to collect arrearages of taxes.

Which bill as amended was read a third and last time, and the question, shall said bill pass, was had, and determined in the affirmative.

So said bill as amended was passed upon its third and last reading in the Senate and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to regulate elections by the County courts.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Peyton, Sevier, Warner, Waterhouse and mr. Speaker Turney—12.

The negative voters were:

Messrs. Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Ross and Williams—8.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment,

The Senate took up and considered a bill from the House of Representatives for the benefit of witnesses in State cases.

Which bill was read a second time—when mr. Laughlin moved the indefinite postponement of said bill, and the question was thereupon had and determined in the affirmative.

So said bill was indefinitely postponed upon its second reading in the Senate.

Ordered that said bill be transmitted to the House of Representatives and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to amend the law of discounts in certain cases.

Which bill as amended was read a third time—when mr. Foster moved to amend said bill by adding thereto the following, to constitute the 4th section of said bill, to-wit:

Sec. 4. *Be it enacted*, That any estate, right, or interest in lands acquired by a testator after the making of his will, and of which he died seized as aforesaid, shall pass thereby in like manner as if owned

by him at the time of making the will, if such clearly appear by the will to have been the testator's intention.

Which being read and considered by the Senate, said amendment was adopted.

Mr. Waterhouse moved to amend said bill by adding thereto the following, to constitute the 5th section of said bill, to-wit:

Sec. 5. *Be it enacted,* That nothing herein contained shall be so construed as to operate upon or effect in any manner, or apply to the estate or estates of any person or persons whatsoever who have died previous to the passage of this act.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question recurring upon the passage of said bill was had and determined in the affirmative—ayes 18, nays 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Johnson, Laughlin, Ledbetter, *M*aclin, Miller, *M*otley, Peyton, Powell, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—18.

The negative voters were:

Messrs. Martin, Matthews, Nelson, and Williams—4.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the Senate's several amendments to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives for the relief of a portion of the citizens of Perry county.

Which bill was read a third and last time, and the question, "shall said bill pass?" was had and determined in the affirmative.

So said bill passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend and explain the 2d section of an act passed at the present session, to consolidate the funds and to provide for but one, instead of two separate classes of common schools in the Hiwassee and Ocoee District, in the State of Tennessee.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, was ordered to be transmitted to the House of Representatives for enrollment.

On motion of mr. Martin,

The Senate adjourned until half past 6 o'clock this evening.

NIGHT SESSION.

The Senate took up and considered the following bill from the House of Representatives upon their first reading in the Senate, to-wit:

A bill to incorporate the Kingsport Manufacturing Company.

A bill to remedy the informality of deeds of conveyance and other instruments executed by an attorney.

A bill to change the time of holding the Chancery Courts at Somerville.

A bill to legalize marriage licenses in Jefferson county.

A bill to amend an act passed 11th December, 1837, entitled an act to amend an act to incorporate the Ashport Turnpike Company.

A bill to change and amend the act of 1839–40, chap. 102, sec. 8.

A bill to amend the act of 1817, chap. 131, sec. 2, upon the subject of bail bonds and recognizances.

A bill to appoint commissioners on Scott's turnpike road leading through Fentress county, and for other purposes.

A bill to amend an act, entitled an act, to relieve the counties of this State, from the payment of costs in certain cases, passed January 13th, 1830.

A bill to amend an act, entitled an act, to prescribe certain duties to be performed by the clerks of the several courts in this State.

A bill to amend an act, entitled an act, to distribute one hundred thousand dollars among the several counties of Middle Tennessee, and for other purposes.

A bill to amend the charter of the corporation of the town of Nashville.

A bill to restore Wm. Hamilton to the rights of citizenship.

A bill to amend and extend the charter of the White's Creek Turnpike Company.

A bill to amend the several acts in this State respecting costs.

A bill to amend an act entitled an act to extend the limits of the corporation of Brownsville.

A bill to continue Doctor Gerard Troost, Geologist, Mineralogist and Assayer of the State of Tennessee.

A bill to amend the several acts passed heretofore in relation to the corporation of the town of Jonesborough.

A bill directing the Secretary of State to have bound certain pamphlet acts of Congress, and for other purposes.

Which bills were severally read a first time and passed.

The Senate took up and considered a bill from the House of Representatives to amend the several acts in this State respecting costs.

Which bill was read a first time—when mr. Laughlin moved to amend said bill, which amendment he afterwards withdrew.

Mr. Foster moved to amend said bill by striking out the 1st and 2d sections of said bill.

Which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted, and the 1st and 2d sections of said bill stricken out.

And said bill as amended was read a first time and passed.

The Senate took up and considered a bill to amend and extend the charter of the White's Creek Turnpike Company.

Which bill being read, when mr. Motley moved to amend said bill, and offered the following, to-wit:

Sec. 4. *Be it enacted*, That Thomas J. Moreford, of the county of Wilson, is hereby constituted a sole corporation for the purpose of constructing a McAdamized or graded turnpike road from the northern bank of Cumberland river, the termination of the Cumberland and Stone's river turnpike, to a point in the Gallatin and Scottsville turnpike, near Union Meeting House, on Bledsoe's creek, in Sumner county; that as such he shall enjoy all the privileges and be subject to the same regulations and restrictions that are imposed in the Nashville and Lebanon Turnpike Company, except that under no circumstances shall the State subscribe for stock in the road.

Sec. 5. *Be it enacted*, That said corporator shall be authorized to open books for the purpose of raising by subscription a sum sufficient to construct said road.

Sec. 6. *Be it enacted*, That the McAdamized portion of said road shall be in all respects equal to the Nashville and Lebanon turnpike, and the graded portion equal to the Lebanon and Sparta turnpike.

Sec. 7. *Be it enacted*, That said road shall be completed within five years from the passage of this act.

Sec. 8. *Be it enacted*, That when any portion of said road shall be completed, said corporator shall have power to apply to the County Court of Sumner county, whose duty it shall be to appoint three commissioners to examine said road, and when four miles of said road shall be completed according to this act, which shall be determined by the certificate of the said commissioners, thereupon the said corporator shall have power to erect a toll gate at any point that may suit his convenience not more than one mile from said river, and in like manner when the remainder of said road shall be completed as aforesaid, he shall have power to erect another toll gate not nearer than four miles to the first gate.

Sec. 9. *Be it enacted*, That said corporator shall pay two dollars per day to each commissioner acting under the County Court aforesaid, for every day they may be severally employed in the inspection of said road.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a first time and passed.

Mr. Powell moved the re-consideration of the Senate's vote given on yesterday, rejecting a bill proposing to establish a branch of the Bank of Tennessee at Chattanooga, in Hamilton county.

The Senate, on motion of mr. Jennings, took up and considered a bill to improve the condition of the Union Bank of Tennessee and to reduce the debt of the State.

Which bill being read a third time,

Mr. Jennings offered the following in lieu of the whole bill, to wit:

A bill to authorise the Stock banks of this State to dispose of their real estate, to reduce the debt of the State, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at any time within the period of two years from and after the passage of this act, it may be lawful for any of the Banks of this State to sell any portion of their real estate, now held by said Banks, and to receive in payment thereof or in exchange therefor, the stock of said Banks or the Bonds of the State of Tennessee; and any of said bonds so obtained, may by said Bank be delivered over to the Governor of the State for the time being, to be by him cancelled, and put on file in the office of the Secretary of State, and he shall transmit to said Bank an equal amount of the stock that may be held by the State in said Bank—the bonds and the stock each being estimated at their par value.

Sec. 2. *Be it enacted*, That for any amount of Bank stock so received in payment of, or exchange for its real estate, that said Bank shall be required to purchase or otherwise obtain bonds of the State of Tennessee to the amount of one fifth of the Bank stock so obtained, and all bonds obtained under the provisions of this section shall be returned to the Governor to be disposed of as prescribed in the first section of this act, and the Governor shall in like manner transfer an equal amount of stock held by the State in said Bank, estimating such at their par value.

Sec. 3. *Be it enacted*, That it shall not be lawful for any directors of any Bank directly or indirectly, to become a purchaser of any real estate by the Bank of which he is a director, under the provisions of the first and second section of this act, nor to act as agent for any other person making any such purchase.

Sec 4. *Be it enacted*, That whenever the Board of Directors of any Bank in this State shall deeem it advisable for the better security of any debt due to said Bank, to take paper from any debtor, having longer than twelve months to run to maturity, it may be lawful for such Board to take or discount such paper, provided that it shall be lawful to charge by way of discount or for interest, a greater rate than six per centum per annum, for the time such paper may have to run to maturity.

Which being read,

Mr. Ledbetter offered the following as an amendment, to said amendment offered by mr. Jennings, provided, that when any Bank stock which constitutes part of the fund is transfered, the bonds of the State for which such stock is exchanged under the provisions of this act, shall be deposited in the Bank of Tennessee, to be applied as other school funds in said Bank,

Which being read, said amendment was adopted.

Which bill with the amendments was laid on the table.

The Senate took up and considered the following bills of the Senate on their second reading, to-wit:

A bill to preserve the original acts and resolutions of the General Assembly of this State.

A bill to provide for the payment of costs in criminal cases by County courts; which bills were severally read a second time and passed.

The Senate took up and considered the following bills from the House of Representatives upon their third and last reading in the Senate.

A bill to incorporate the inhabitants of the town of Fort Pickering, in the county of Shelby.

A bill to repeal an act declaring the Ocoee river navigable.

A bill to incorporate the Tusculum Academy.

Which bills were severally read a third and last time, and the question upon the passage of said bills severally being had, was determined in the affirmative.

So said bills were severally passed upon their third and last reading in the Senate, and were severally ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to incorporate the East Tennessee Manufacturing Company.

Which bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk announce to the House of Representatives the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to incorporate the Brownsville Female Institute, at Brownsville, in Haywood county.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate, on motion of mr. Powell, took up and considered a message from the House of Representatives transmitting the Senate's bill to authorise the sale of the bonds of the State (known as the River bonds) allotted to East Tennessee and the Western District by the act of 1837–8, and for other purposes, with sundry amendments thereto; which message, on motion of mr. Powell, is made the order of the day for to-morrow.

On motion of mr. Bradbury,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, FEB. 2, 1842.

Mr. Martin moved the re-consideration of the vote of the Senate adopting the resolution submitted by mr. Johnson, and amended by the Senate on Monday, the 31st ultimo, requiring the banks to resume specie payments, &c.

Mr. Peyton moved that the Senate take up and consider a message from His Excellency the Governor of the State of Tennessee, trans-

mitting his nomination of twelve gentlemen as Directors of the Bank of Tennessee at Nashville; which being read,

Mr. Laughlin moved to lay said message on the table, and the question thereon being had, was determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *Motley*, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said message was laid on the table.

The Senate took up and considered a bill from the House of Representatives to authorise Chancellors to appoint special terms of holding chancery courts.

Which bill as amended being read a third and last time, and the question, "shall said bill pass?" was had and determined in the negative.

So said bill was rejected upon its third and last reading in the Senate.

Ordered that the clerk acquaint the House of Representatives with the rejection of said bill.

The Senate took up and considered a bill from the House of Representatives, in regard to appeals and writs of error.

Which bill being read a third and last time, and the question upon the passage of said bill being had was determined in the negative—ayes 7, nays 16.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Jennings, Laughlin, Reneau, and Ross—7.

The negative voters were:

Messrs. Ashe, Bradbury, Johnson, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Warner, Waterhouse, and mr. Speaker Turney—16.

So said bill was rejected upon its third and last reading in the Senate, and ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the rejection of said bill by the Senate.

The Senate took up and considered a message from the House of Representatives transmitting sundry amendments made by the House of Representatives to the Senate's bill to change the time of holding the circuit courts in the 2nd Judicial circuit and the chancery court at Knoxville.

Which being read, the Senate non-concur in the first amendment of the House striking out the word "second" in the first section, and inserting in lieu thereof the word "three."

The Senate concurs in the amendments made by the House of Representatives, constituting the 4th and 5th sections of said bill.

Mr. Nelson moved to amend said bill by striking out of the third line in the first section the word "March," and insert in lieu thereof the word "May."

Which being considered by the Senate, said amendment was adopted.

Ordered that the clerk acquaint the House therewith, and ask a concurrence therein.

The Senate took up and considered a message from the House of Representatives, transmitting an amendment made by the House of Representatives to the Senate's bill to establish the county of Putnam, in the 15th line of the 1st section of said bill.

Which being read, mr. Turney proposed the following amendment in lieu of the amendment adopted by the House of Representatives to said bill:

Thence to the Overton county line, thence a direct line to William *M*archbank's, thence a direct line to the Wallon's road where the same strikes the Cumberland mountain, thence with the said road to George McCormick's in Fentress county, thence a direct line to the line of *M*organ county, thence southward with the same to its corner at Johnson's stand.

Be it enacted, That the citizens of said county may file their bills in the Chancery Court at Gainesborough, Sparta or Livingston, at their option, and each of said courts shall have jurisdiction of all equity causes in said county.

Be it enacted, That an academy is hereby established at Monticello in said county, with all the rights and emoluments of other County Academies in this State, and the County Court shall appoint trustees as in other counties and shall name the same, and may at their option change the name of the county town from Monticello to any other name they may see proper.

Which being read and considered by the Senate, said amendment was adopted.

Ordered that the clerk acquaint the House of Representatives therewith and ask a concurrence therein.

The Senate took up and considered a bill to provide for the payment of costs in criminal cases.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the negative—ayes 3, nays 18.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Nelson, and Ross—3.

The negative voters were:

*M*essrs. Ashe, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Powell, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—18.

So said bill was rejected upon its third and last reading in the Senate.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to amend an act entitled an act to dispose of the lands in the Ocoee district, passed the 28th day of November, 1839, chapter 8.

Which bill was read a third and last time and the question upon the passage of said bill, being had was determined in the affirmative—ayes 18, nays 4.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Powell, Sevier, Waterhouse, Williams and mr. Speaker Turney—18.

The negative voters were:

Messrs. Nelson, Peyton, Powell and Warner—4.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to incorporate the Southern University at Lebanon, Wilson county, Tennessee.

Which bill was read a second time and passed.

The Senate, on motion of mr. Jennings, took up and considered a bill to improve the condition of the Union Bank of Tennessee and to reduce the debt of the State.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 20, nays 3.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Motley, Nelson, Peyton, Powell, Sevier, Warner, Williams and mr. Speaker Turney—20.

The negative voters were:

Messrs. Matthews, Ross, and Waterhouse—3.

So said bill was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives to appoint commissioners of the Bean's Station Turnpike road, and for other purposes.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill to preserve the original acts and resolutions of the General Assembly of this State.

Which bill was read a third and last time and the question upon the passage of said bill was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading

in the Senate, and was ordered to be engrossed and transmitted to the House of Representatives.

Mr. Frey, chairman of the committee on enrollments, reports as correctly enrolled, a bill entitled an act to amend an act entitled an act to regulate the salaries of officers of the Bank of Tennessee and Branches, passed 28th January, 1840.

A resolution requiring the comptroller to allow William Rice, Sheriff of Sumner county, commission on tax by him collected for 1840.

A resolution of select committee on printing and distributing acts and journals of the present General Assembly.

Which enrolled act and resolutions was thereupon signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

The Senate on motion of mr. Waterhouse took up and considered a resolution proposing that the Superintendent of Public Instruction be permitted to keep his office in the Senate Chamber after the rise of the present General Assembly, and during the recess of the Legislature.

Which being read, said resolution was adopted.

Ordered that the clerk acquaint the House therewith, and ask a concurrence therein.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bill entitled—

An act to require the Trustees of the Trenton Male academy to pay over one half of the academy funds now accrued and unexpended, and also the one half of said funds hereafter to accrue to the Trustees of the Trenton Female Academy.

The House of Representatives recede from their amendment made to the Senate's bill to prevent indictments in certain cases.

Which enrolled act and said bill I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be re-transmitted to the House of Representatives for its further action thereon to be had.

The Senate on motion of mr. Peyton took up and considered a resolution, proposing to appoint commissioners to examine into the State and condition of the financial affairs of the several Branches of the Bank of Tennessee, and report to the next meeting of the General Assembly of the State of Tennessee.

Which being read—

Mr. Turney moved that said resolution be laid on the table.

And the question thereupon being had was determined in the affirmative.

So said resolution was laid on the table.

The Senate took up and considered a bill to change the time of holding the circuit courts for the county of McNairy and Hardeman and to attach Tipton county to the tenth judicial circuit.

Which being read, when mr. Turney moved to amend said bill by adding thereto the following:

Sec. 5. *Be it enacted*, That the Chancery Court at Sparta shall be held on the second Mondays of April and October in each and every year, and that the Chancellor shall proceed on the second Monday in April next to appoint a clerk and organise said court and so much of the act establishing said court as comes within the purview of this act, be and the same is hereby repealed.

Which being read and the sense of the Senate thereon had said amendment was adopted.

Mr. Ashe moved to amend said bill by striking out the word "Tipton" wherever the same occurs in said bill and to insert in lieu thereof the word "McNairy."

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 9, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Hardwicke, *M*aclin, *M*artin, *M*otley, Peyton, Ross, Warner and Williams—9.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, *M*atthews, *M*iller, Nelson, Reneau, Waterhouse and mr. Speaker Turney—13.

So said amendment was rejected.

Mr. Ashe moved to amend said bill by adding thereto the following, constituting the 6th section of said bill, to-wit:

Sec. 6. *Be it enacted*, That the circuit courts of Lauderdale county from and after the court to be held in February, 1842, shall be held on the first Tuesdays in February, June and October.

Which being read and the sense of the Senate thereon had said amendment was adopted, and said bill as amended was read a third time and passed.

The Senate, on motion of mr. Gardner, took up and considered a resolution by him submitted to the Senate on the 15th day of December, 1841, proposing amongst other things, to cede to the United States, that division of the State of Tennessee, commonly called the Western District, with an ultimate view of erecting the same into a separate and independent sovereignty upon an equal footing with other States of the American confederacy; and when created to be distinguished by the name of *Jacksoniana*.

Which being read and the question upon the adoption of said resolution being had was determined in the negative—ayes 11, nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Jennings, Johnson, *M*aclin, *M*iller, Nelson, Powell, Sevier Waterhouse and Williams—11.

The negative voters were:

*M*essrs. Ashe, Foster, Frey, Hardwicke, Laughlin, Ledbetter, *M*ar-

tin, *M*atthews, *M*otley, Peyton, Reneau, Ross, Warner, and mr. Speaker Turney—13.

So said resolution was rejected.

The Senate took up and considered a bill from the House of Representatives to impose certain duties on overseer's of roads.

Which bill was read a third and last time and the question upon the passage of said bill was had and determined in the affirmative—ayes 13, nays 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Frey, Gardner, Johnson, Laughlin, Ledbetter, *M*aclin, Nelson, Peyton, Powell, Reneau, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Jennings, *M*artin, *M*atthews, *M*iller, *M*otley, Ross, and Warner—10.

So said bill passed upon its third and last reading in the Senate.

Mr. Peyton moved the reconsideration of the vote of the Senate upon the passage of a bill from the House of Representatives to impose certain duties on overseers of roads.

And the question upon the re-consideration of said vote passing said bill being had was determined in the affirmative.

So the Senate reconsider said bill.

Whereupon, the Senate further considering said bill, mr. Peyton moved to amend said bill by adding to the third and last section, the following: *Provided*, that when any creek or run over which, by virtue of this act, a foot log is required, constituting the dividing line between two overseers, said log or logs shall be placed jointly by said two overseers; which being read and considered, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, directing the Secretary of State to have bound certain pamphlet acts of Congress, and for other purposes; which bill being read,

Mr. Powell moved to amend the third section by striking out the proviso, as follows: *Provided*, the same can be obtained without cost to the State; which being read and considered by the Senate, said amendment was adopted.

Mr. Powell moved the further amendment to said bill at the end of the 4th section, by adding thereto the following: "and also such further sum, not exceeding fifty dollars, as may be necessary to fit up shelves and provide desks in the Secretary's office for the preservation

of the public documents;" which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a second time and passed.

On motion of mr. Ledbetter,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled a bill entitled an act to prevent indictments and presentments in certain cases.

Whereupon, the Speaker of the Senate did sign said enrolled act, and ordered that the same be transmitted to the House of Representatives.

The Senate, on motion of mr. Powell, took up and considered a bill to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claims against the State for River bonds, under the act of 1837–8, and for other purposes; being the title of a bill adopted by the House of Representatives as an amendment to, and in lieu of the whole of the Senate's bill entitled a bill to authorise the sale of the bonds of the State (known as the River bonds) allotted to East Tennessee and the Western District by the act of 1837–8, and for other purposes; and said bill, adopted in lieu of the original bill by the House of Representatives being read a third time,

Mr. Powell moved the following amendment, to-wit:

Sec. 17. *Be it enacted*, That of the proceeds of the sales of the public lands that may be appropriated to this State under the act of Congress entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights—that portion authorised by the constitution of this State to be appropriated to internal improvement, to-wit, one half of said fund apportioned as aforesaid, shall be deposited in the Bank of Tennessee and branches in lieu of the moneys required by this act to be advanced by said bank and branches for the improvement of the rivers in the eastern and western divisions of this State: *Provided*, said fund that may be appropriated to this State under the aforesaid act shall be received by the State; which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Sevier and Waterhouse—15.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, Martin, Matthews, Motley, Ross, Warner, Williams and mr. Speaker Turney—10.

So said amendment was adopted.

Mr. Bradbury moved to amend said bill by adding thereto the following:

Sec. 18. *Be it enacted*, That nine thousand dollars of the amount appropriated to the Western District, shall be expended in clearing out and improving the navigation of Beech river, in the counties of Perry and Henderson, to be deducted in equal portions from the appropriation made by the act of 1837, to Obion, Forked-Deer and Big Hatchie rivers, and that Henry H. Brown, Curry Petigrew and Wm. Storm, of Perry county; John Harmon, Samuel T. Edwards and David Bird, of Henderson county, are hereby appointed commissioners to receive said fund, and to superintend the improvement of said river, and that they shall give bond and security as required by the act passed 17th January, 1838; which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative—ayes 14, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Hardwicke, Laughlin, Ledbetter, Martin, Motley, Nelson, Peyton, Ross, Warner, Waterhouse and mr Speaker Turney—14.

The negative voters were:

Messrs. Ashe, Gardner, Johnson, Maclin, Matthews, Miller, Reneau, Sevier and Williams—9.

So said amendment was adopted.

Mr. Turney moved to amend said bill by adding the following proviso, to-wit: *Provided*, that no money shall be drawn from the principal or branch banks of Tennessee, under the provisions of this act, until the same shall be secured under the provisions of the act of Congress to distribute the proceeds of the public lands amongst the States, and then only as the same shall be paid into said bank and branches.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Motley, Peyton, Ross, Warner and mr. Speaker Turney—10.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse and Williams—15.

So said amendment was rejected.

Mr. Reneau moved to amend said bill by adding thereto the following, to-wit:

Sec. 19. *Provided*, that nothing in this act shall be so construed as to change any of the appropriations made to particular rivers in East Tennessee; which being read, and the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Waterhouse moved to amend said bill by adding thereto the following, to-wit:

Sec. 20. *Be it enacted*, That the ten thousand dollars appropriated

by the 14th section of an act to establish a board of commissioners for the improvement of the navigation of the rivers east of Knoxville, be under the control of John Hoyall, Lewis Shepherd and Wm. Stone, under the same rules and regulations of the 14th section above mentioned; which being read,

Mr. Williams moved to lay said amendment on the table, and the question thereon being had, was determined in the negative—ayes 12, noes 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Gardner, Jennings, Johnson, Maclin, Matthews, Nelson, Powell, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Foster, Frey, Hardwicke, Laughlin, Ledbetter, Martin, Miller, Motley, Peyton, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said motion to lay said amendment on the table was rejected.

The question then recurred upon the adoption of said amendment, which being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Waterhouse moved further to amend said bill by adding thereto the following, to-wit:

Sec. 21. *Be it enacted*, That George W. Rice, David Rankin, and Erasmus Alley are hereby appointed commissioners to superintend the appropriation of the fund allotted to be expended in *M*arion county, under the same rules, regulations and restrictions as the former commissioners.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. Sevier moved to amend said bill by adding thereto the following, to-wit:

Which was afterwards re-considered and withdrawn.

Mr. Matthews moved to lay said bill with the amendments thereto on the table until the first of July next, and the question thereupon being had was determined in the negative—ayes 9, nays 16.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Motley, Peyton, Ross, and Warner—9.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—16.

So said motion to lay said bill and amendments on the table until the 1st July next was rejected.

*M*r. Ashe moved a concurrence of the Senate with the amendments made by the House of Representatives to said bill, and the question thereupon being had, was determined in the affirmative—ayes 15, nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Johnson, maclin, miller, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Hardwicke, Laughlin, Ledbetter, martin, matthews, motley, Peyton, Ross, Warner, and Waterhouse—10.

So the Senate concur in the amendment made by the House of Representatives and adopted in lieu of the original bill.

The Senate took up and considered a bill from the House of Representatives to incorporate the Penitentiary Turnpike Company.

Which was read a third time—when mr. Foster moved to amend said bill by inserting in the 13th line of the 9th section, after the words "the first gate," the words "next to Nashville." Mr. Foster moved further to amend said bill by striking out of the 9th section, after the words "commissioners aforementioned," in the 14th line, the following: "between Nashville and Cockrill's Spring, so that the first gate shall not be within less than two miles of the court house of the city of Nashville," and insert in lieu thereof the following: "shall be located at a point in distance from Nashville beyond Cockrill's Spring, and beyond where the Wharton road intersects said road so to be turnpiked.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

Mr. *M*atthews moved to amend said bill by adding thereto the following, to-wit:

Sec. *Be it enacted*, That the citizens of Dickson and Hickman counties shall not pay any toll at the gate nearest Nashville.

Which being read—when mr. Ross moved to lay said amendment on the table, and the question thereupon being had was determined in the affirmative—ayes 19, nays 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Johnson, Laughlin, Ledbetter, maclin, miller, *M*otley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Williams, and mr. Speaker Turney—19.

The negative voters were:

*M*essrs. Hardwicke, Jennings, matthews, and Waterhouse—4.

So said motion to lay said amendment on the table prevailed.

Mr. Matthews moved further to amend said bill by adding thereto the following, to-wit:

Sec. *Be it enacted*, That the commissioners of said turnpike road shall have said road measured and plainly mile marked, and shall also keep said road in good repair, and on failure shall be subject to the penalties of the law, as overseers of roads are who fail to comply with the law in such cases made and provided.

Which being read, mr. Laughlin moved to lay said amendment on the table, and the question thereupon being had, was determined in the affirmative—ayes 14, nays 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Laughlin, Ledbetter, *Mac*lin, Miller, *Mo*tley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Williams, and mr. Speaker Turney—18.

The negative voters were:

Messrs. Hardwicke, Jennings, Johnson, Matthews, and Waterhouse —5.

So said amendment was laid on the table.

Mr. Jennings moved to amend said bill by adding thereto at the end of the 7th section, the following:

But the grade of said road over Edny's hill and the Big hill shall be five degrees or under.

Which being read—when mr. Gardner moved to lay said amendment on the table, and the question thereupon being had was determined in the affirmative—ayes 14, nays 9.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Laughlin, Ledbetter, Miller, Motley, Peyton, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—14.

The negative voters were:

*Me*ssrs. Hardwicke, Jennings, Johnson, Maclin, Martin, Matthews, Nelson, Sevier, and Williams—9.

So said amendment was laid on the table.

Mr. Jennings offered a second amendment to said bill:

Be it enacted, That this act of incorporation shall not take effect until such time as the people of Davidson county having an immediate interest in the construction of said turnpike have enjoyed an opportunity for a fair expression of opinion in regard to it, and that for the purpose of giving them such opportunity it shall be the duty of the judges and other officers concerned in holding the next election in said county for county officers, to receive and count, and send for comparison to the court house at Nashville, the votes for or against the construction of a turnpike road of all the legal votes residing in civil districts of said county, known respectively as Woodward's, South Harpeth, Dunop's and Cartwright's, and of that portion of legal voters in the Cockrill Spring's civil district being south of the Charlotte turnpike road; and it shall thereupon become the duty of the officers who shall compare the polls in said election for county officers, to compare said votes in regard to the construction of said road, and to make a certificate of the number and character of such votes to the clerk of the county court of said county, who shall file such certificate in his office, and if from the statements which it contains, it appear that a majority of the votes cast as aforesaid were favorable to the construction of said Penitentiary turnpike, then and not otherwise shall it be lawful for the Company herein specified to avail themselves of any one of the privileges designated in the preceding sections of this act.

Which being read—mr. Laughlin moved to lay said amendment on

the table, and the question thereupon being had, was determined in the affirmative—ayes 13, nays 9.

The ayes and noes being demanded,

The affirmative voters were 13.

The negative voters were:

Messrs. Frey, Hardwicke, Jennings, Ledbetter, Martin, Matthews, Nelson, Sevier, and Williams—9.

So said amendment was laid on the table.

And said bill as amended being read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 17, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Gardner, Johnson, Laughlin, Maclin, Miller, Motley, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—17.

The negative voters were:

Messrs. Foster, Hardwicke, Jennings, Ledbetter, Martin, Matthews, Nelson and Williams—8.

So said bill as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill, and ask a concurrence therein.

Mr. Ashe moved a re-consideration of the vote of the Senate adopting the amendment of the House of Representatives to the Senate's bill to authorise the sale of the bonds of the State, (known as the river bonds,) allotted to East Tennessee and the Western District, by the act of 1837-8, and for other purposes, which motion to re consider said vote prevailed.

On motion of mr. Sevier, the Senate re-considered the vote adopting the amendment by him offered to said bill, when

Mr. Sevier asked and obtained leave to withdraw said amendment.

On motion of mr. Miller, the Senate re-considered the vote adopting two amendments to said bill offered by mr. Waterhouse.

Mr. Waterhouse then asked and obtained leave to withdraw said amendments.

Mr. Williams moved a re-consideration of the vote of the Senate, adopting the amendment offered by mr. Reneau,

And the question thereupon being had, was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Nelson, Powell, Sevier and Williams—11.

The negative voters were:

Messrs. Bradbury, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Miller, Motley, Peyton, Reneau, Ross, Warner, Waterhouse and mr. Speaker Turney—14.

So the motion to re-consider said vote was rejected.

Mr. Frey moved the re-consideration of the vote adopting the amendment offered by mr. Bradbury, which motion prevailed.

The question then re-curred upon the adoption of the amendment offered by mr. Bradbury to said bill, was thereupon had, and determined in the negative—ayes 9, noes 16.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Laughlin, Ledbetter, Motley Ross, Warner, Waterhouse and mr. Speaker Turney—9.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Sevier and Williams—16.

So said amendment was rejected.

Mr. Ashe moved a concurrence in the amendment adopted by the House of Representatives, in lieu of the entire original bill of the Senate, to authorise the sale of State bonds, &c.

And the question thereupon being had, was determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Bradbury, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Motley, Peyton, Ross, Warner and Waterhouse—11.

So said amendment, as amended, was concurred in.

Ordered that the clerk acquaint the House of Representatives therewith, and ask a concurrence in the amendments made by the Senate to the amendment of the House to said bill.

The Senate on motion of mr. Laughlin, took up and considered a bill from the House of Representatives for the relief of James P. Keith and Allen Beredeth,

Which being read a second time, when

Mr. Bradbury moved the indefinite postponement of said bill,

And the question thereupon being had, was determined in the affirmative—ayes 20, noes 2.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Sevier, Warner, Waterhouse and Williams—20.

The negative voters were:

Messrs. Laughlin and mr. Speaker Turney—2.

So said bill was indefinitely postponed upon its second reading in the Senate.

Ordered that said bill be transmitted to the House of Representatives,

and that the clerk announce the rejection of said bill upon its second reading in the Senate.

The Senate took up and considered a bill from the House of Representatives to amend the corporation of the town of Nashville.

Which bill was read a second time, and indefinitely postponed.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives, to amend an act, entitled an act, to relieve the counties of this State from the payment of costs in certain cases, passed January 13th, 1830.

Which bill was read a second time and rejected.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to amend the penal laws,

Which bill being read a third time, when

Mr. Warner moved to amend said bill by adding thereto the following section, to wit:

Be it enacted, That the provisions of this act, shall not apply to females so far as relates to punishment by imprisonment,

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, matthews, Powell, , Ross, Warner and Waterhouse—10.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, martin, miller, Motley, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—15.

So said amendment was rejected.

Mr. Martin moved to amend said bill by adding thereto the following:

It shall be the duty of the Judge to give this act in charge to the grand jury,

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said amendment was made part of the bill.

The question upon the passage of said bill being had, was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, martin, motley, Nelson, Peyton, Reneau, Ross, Sevier and mr. Speaker Turney—15.

The negative voters were:

Messrs. Hardwicke, Johnson, Laughlin, maclin, matthews, miller, Warner, Waterhouse and Williams—9.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House with the amendments of the Senate to said bill, and ask a concurrence therein.

A message from the House of Representatives by mr. Mitchell their Clerk:

MR. SPEAKER: The House of Representatives have taken up and read a third and last time, and passed a bill making appropriations to defray the expenses of the present General Assembly, which I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

Which bill was read a first time and passed; and was referred to the committee on Finance.

On motion of mr. Ashe,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY, FEB. 3, 1842.

A message from the House of Representatives by mr. Mitchell their clerk:

MR. SPEAKER: The House of Representatives concur in the several amendments of the Senate to a bill from the House to amend the law of descents in certain cases.

The House of Representatives concur in the amendments of the Senate to bills of the House of the following titles:

A bill to authorise and require the Entry taker of the Ocoee District, to refund money in certain cases.

A bill giving further time to former Sheriffs to collect arrearages of taxes.

A bill to restore John Wilson of Blount county to the privileges of citizenship, and for other purposes.

The House of Representatives non-concur in the amendment of the Senate to the bill of the House to amend the laws now in force in relation to free persons of color.

The House of Representatives have amended the amendment of the Senate made to the bill of the House to require the Entry taker of the Ocoee district to refund money in certain cases, and as amended concur therein—in which amendment I am directed to ask the concurrence of the Senate.

The House of Representatives non-concur in the amendments of the Senate made to the bill of the House to amend the laws in relation to forcible entry and detainer.

The House of Representatives insert in their amendment, by striking out "second," and inserting "third," in the first section, and concur in the Senate's amendments.

The amendment of the Senate in lieu of the amendment of the House, to the bill of the Senate, to establish the county of Putnam, to perpetuate the name and public services of General Israel Putnam, of the Revolutionary war.

The House of Representatives have taken up and considered the following bills from the Senate, entitled as follows:

A bill to appropriate to Johnson county the State tax due, or that may be due therefrom, for the years 1842 and 1843.

A bill for the relief of William Isaac Rawlings.

A bill for the relief of such persons as obtained license to retail liquor after the passage of the tippling act of 1838, and before its promulgation.

A bill to establish the county of Coe.

A bill for the relief of the commissioners of the navigation of the rivers east of Knoxville; which several bills were rejected upon their first reading in the House of Representatives.

The House of Representatives have taken up and considered a bill from the Senate to provide for and secure *femes covert* in the possession and enjoyment of property; which bill was rejected upon its second reading in the House.

The House of Representatives have taken up and considered a resolution adopted by the Senate, denouncing the doctrine of repudiation of State debts.

And a resolution adopted by the Senate to authorise the Superintendent of Public Instruction to keep his office in the Senate chamber after the rise of this General Assembly; which resolutions being read, were severally concurred in—which I am directed to transmit to the Senate. And then he withdrew.

The Senate took up and considered a bill to charter the Bank of Fort Pickering; which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the negative—ayes 7, noes 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Jennings, Maclin, Powell, Sevier, Waterhouse and mr. Speaker Turney—7.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, *Matthews*, *Miller*, *Motley*, Nelson, Peyton, Reneau, Ross and Warner—17.

So said bill was rejected upon its third and last reading in the Senate.

The Senate took up and considered a message from the House of Representatives, transmitting a resolution directory to His Excellency the Governor of Tennessee, and the Secretary of State for the State of Tennessee, appointing said Governor and Secretary commissioners to receive and attend to the procuring titles in fee simple to the lands upon which the Lunatic Asylum is situate; which being read, the Senate concur therein.

Ordered, that the clerk announce to the House of Representatives the concurrence of the Senate in said resolution.

Mr. Warner, chairman of the committee on claims, to whom had been referred a bill for the relief of Thomas Maxwell, of Blount county—Reports, that said committee have had the same under considera-

tion, and think the provisions therein contained improper and unreasonable, and should not be allowed; that said committee had instructed him to report said bill, and to recommend its rejection. And the report of the chairman of the committee being read, the Senate concur therein. And said bill was rejected.

Mr. Warner, chairman of the committee on claims, to whom had been referred a bill for the relief of James Bradford—Reports, that said committee have had the same under consideration, and are of opinion that the relief sought for by said bill should not be allowed; that its provisions are unreasonable, and ought not to be granted; that said committee had instructed him to report said bill, and to recommend its rejection; which report being read, the Senate concur therein. And said bill was rejected.

Mr. Foster, chairman of the committee on the judiciary, to whom had been referred a bill to establish the —— judicial circuit, and for other purposes—Reports, that said committee have had the same under consideration; that said committee had not fixed upon any measure establishing said judicial circuit, and that said committee had instructed him to report said bill, and recommend that it be laid on the table. And said report being read, the Senate concur therein. And said bill was laid on the table.

The Senate took up and considered a bill from the House of Representatives to incorporate the Southern University at Lebanon, Wilson county, Tennessee.

Which bill was read a third and last time, and the question, Shall said bill pass? being had, was determined in the affirmative.

So said bill passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and considered a bill from the Senate to divide the State into Senatorial and Representative districts; which bill they read a third time and passed, with an amendment thereto, herewith transmitted. In which amendment the House of Representatives ask the concurrence of the Senate. And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to amend the second section of an act entitled an act to prevent the poisoning of fish in any of the waters of this State, passed Nov. 19, 1833, chap. 74.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 17, noes 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Peyton, Powell, Reneau, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Maclin, Matthews, Miller, Motley, Nelson, Ross, Sevier and Warner—8.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered the following bills from the House of Representatives, upon their third and last reading in the Senate, to-wit;

A bill to incorporate the town of Harrison, in Hamilton county.

A bill to amend the several acts passed heretofore in relation to the corporation of the town of Jonesborough.

A bill to incorporate the Greeneville Female Academy, in the town of Greeneville, and for other purposes.

Which bills were severally read a third and last time, and the question upon the passage of said bills severally being had, was determined in the affirmative.

So said bills severally were passed upon their third and last reading in the Senate, and were severally ordered to be transmitted to the House of Representatives for enrollment.

A message from the House of Representatives, by mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to-wit:

An act to amend and explain part of the second section of an act passed at the present session to consolidate the funds, and to provide for but one, instead of two separate classes of common schools in the Hiwassee and Ocoee districts, in the State of Tennessee.

An act to amend the second section of an act entitled an act to incorporate the Clarksville Marine and Fire Insurance and Life and Trust Company, passed 15th January, 1840.

An act to repeal an act declaring Ocoee river navigable.

An act to extend the limits of the corporation of the town of Lebanon, in Wilson county.

An act to incorporate the Brownsville Female Institute in the county of Haywood.

An act to regulate elections by the County Courts.

An act for the relief of a portion of the citizens of Perry county.

Which enrolled acts I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled acts, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate, on motion of mr. Ledbetter, took up and considered the motion heretofore made, to re-consider the vote of the Senate rejecting a bill from the House of Representatives to give constables further time to return executions, &c., and the question upon the re-consideration of said vote being had, was determined in the negative—ayes 9, nays 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Hardwicke, Laughlin, Ledbetter, maclin, Peyton, Reneau, Warner, and mr. Speaker Turney—9.

The negative voters were:

Messrs. Foster, Frey, Gardner, Jennings, Johnson, martin, matthews, miller, motley, Nelson, Powell, Ross, Sevier, Waterhouse and Williams—15

So the Senate refuse to re-consider the vote rejecting said bill.

The Senate took up and considered a bill from the House of Representatives for the relief of securities and endorsers in certain cases.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 13, nays 8.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Hardwicke, Laughlin, Ledbetter, motley, Peyton, Reneau, Ross, Sevier, Warner, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Johnson, maclin, *Martin*, Matthews, miller, Nelson, and Williams—8.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the Senate's amendment made to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, to amend an act entitled an act to incorporate the inhabitants of the town of Memphis, passed 9th of December, 1826.

Which bill was read a third and last time—when mr. Maclin moved to amend said bill by inserting therein the following:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the State tax on merchants' license within the limits of the towns of Memphis and Fort Pickering in the county of Shelby, be and the same is hereby appropriated for and during the full period of two years from the 1st day of January, (inst.) to the exclusive use and benefit of the Memphis Hospital, and it is hereby made the duty of the clerk of the County Court of Shelby county to pay to the trustees of the Memphis Hospital the State tax on merchants' license as aforesaid for two years from the first day of January, (inst.) whose receipt for the same shall be a good and sufficient voucher for him with the Treasurer of West Tennessee for the same, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That it shall be the duty of the trustee of the Memphis Hospital to receive and apply the aforesaid appropriation for the use and benefit of the Hospital under the same rules, regulations and responsibilities as prescribed in the act of 1829, establishing said Hospital.

Sec. 3. *Be it enacted,* That said commissioners shall be entitled to receive for his services out of any money belonging to said Hospital,

such sum or sums as the County Court, (a majority of the acting justices being present) shall deem reasonable and just.

Sec. 4. *Be it enacted*, That all laws coming within the purview and meaning of this act be and the same is hereby repealed.

Which being read, and the sense of the Senate thereon had, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question upon the passage of said bill was had, and determined in the negative—ayes 8, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Foster, Hardwicke, Laughlin, *Ma*clin, Peyton, Sevier, Waterhouse, and mr. Speaker Turney—8.

The negative voters were:

Messrs. Frey, Jennings, Johnson, *Ma*rtin, *Ma*tthews, *Mi*ller, *Mo*tley, Nelson, Powell, Reneau, Ross, Warner, and Williams—13.

So said bill was rejected upon its third and last reading in the Senate.

Whereupon mr. Jennings moved a re-consideration of the vote rejecting said bill upon its third and last reading, which being considered by the Senate, said motion prevailed—whereupon mr. Maclin withdrew said amendment to said bill.

And said bill was again read a third and last time, and the question recurring upon the passage of said bill was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

Mr. Johnson, chairman of the committee on Finance, to whom had been referred a bill from the House of Representatives making appropriations to defray the expenses of the present session of the General Assembly, reported said bill.

Which being read a second time— when mr. Waterhouse moved to strike out a part of said bill, the third section, which being considered, said amendment was adopted.

Mr. Johnson moved to amend said bill by striking out $275 appropriated to J. R. Mitchell.

And the question thereupon being had was determined in the affirmative—ayes 13, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Ross, Warner, Waterhouse, and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Jennings, Ledbetter, motley, Nelson, Peyton, Powell, Reneau, Sevier and Williams—12.

So said amendment was adopted.

Mr. Foster moved to amend said bill by striking out $127 to William Falkner, and insert $50.

Which being considered said amendment was adopted.

And said bill as amended was read a second time and passed.

Mr. Foster moved to take up the consideration of the message from His Excellency the Governor of the State of Tennessee, transmitting his nomination of twelve Directors of the Bank of Tennessee, and the question "will the Senate now take up and consider said message?" being had, was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *Mo*tley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, *Ma*clin, *Ma*rtin, *Ma*tthews, *Mi*ller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said motion to take up the consideration of said message was rejected.

The Senate, on motion of mr. Turney took up and considered a message from the House of Representatives transmitting an amendment made by the House of Representatives to the bill of the Senate to divide the State into Senatorial and Representative districts.

Which being read—

Mr. Ashe moved a concurrence in said amendment to said bill, and the question "will the Senate concur in the amendment made by the House of Representatives to said bill?" being had was determined in the negative—ayes 10, nays 13.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, *Mo*tley, Peyton, Reneau, Sevier and Williams—10.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, *Ma*clin, *Ma*rtin, *Ma*tthews, *Mi*ller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So the Senate non-concur in the amendment made by the House of Representatives to the bill of the Senate to divide the State into Senatorial and Representative districts.

Ordered that the clerk announce to the House of Representatives the non-concurrence of the Senate in the amendments made by the House to said bill.

The Senate took up and considered a bill from the House of Representatives to amend the charter of the Obion Turnpike Company.

Which bill was read a third time, when mr. Foster moved to amend said bill by striking out the 3d section of said bill.

Which being read, and the sense of the Senate thereon had, said amendment was adopted, and said bill as amended was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative.

So said bill as amended was passed upon its third and last reading in the Senate, and ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House with the Senate's amendment made to said bill and ask a concurrence therein.

The committee on the Judiciary, on motion of mr. Laughlin, was discharged from the further consideration of a bill from the House of Representatives to amend the laws abolishing imprisonment for debt with sundry amendments thereto, heretofore submitted by mr. Maclin, with the amendment offered by mr. Laughlin to the amendment of mr. Maclin, and referred to said committee.

And said bill was read a third and last time, when mr. Nelson moved that said bill and amendments thereto, be laid on the table until the 1st day of July next.

And the question thereupon being had was determined in the affirmative—ayes 13, nays 11.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Ledbetter, Miller, Motley, Nelson, Warner, Waterhouse, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Laughlin, Maclin, Martin, Matthews, Peyton, Powell, Reneau, Ross and Sevier—11.

So said bill with the amendments thereto was laid on the table until the first day of July next.

The Senate took up and considered a bill to amend the Militia Laws of this State.

Which bill was read a third and last time and the question upon the passage of said bill was had and determined in the negative—ayes 6, nays 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Frey, Laughlin, Maclin, Martin, and mr. Speaker Turney—6.

The negative voters were:

Messrs. Ashe, Foster, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and Williams—19.

So said bill was rejected upon its third and last reading in the Senate.

Ordered that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to incorporate the town of Durhamsville, in the county of Lauderdale.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to dispose of that portion of the monies arising from the sale of the public lands to which Tennessee may be entitled under the

act of Congress of the extra session of 1841, commonly called the distribution bill.

Which being read, when mr. Foster moved to amend said bill by striking out of the first line in the 4th section of said bill the word "fourth" and to insert in lieu thereof the word "half," and by striking out of the first line of the 4th section the words "three-fourths" and to insert in lieu thereof the words "one half," and striking out of the second line of the 5th section the words "three-fourths," and to insert in lieu thereof the words "one half."

Which being read, mr. Martin moved to lay said amendments on table.

And the question thereupon being had was determined in the negative—ayes 5, nays 18.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Jennings, *M*artin, *M*atthews, Warner, and Williams —5.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Johnson, Laughlin, Ledbetter, *M*aclin, *M*iller, *M*otley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse and mr. Speaker Turney—18.

So said motion to lay said amendment on the table was rejected.

The question then recurred upon the adoption of the amendments proposed by mr. Foster, which being had was determined in the affirmative.

So said amendments were adopted.

*M*r. Matthews moved to amend said bill by adding thereto the following:

Provided, that nothing shall be understood in this act as an approval of the law passed at the extra session of Congress, commonly called the distribution law, which proposes to divide the proceeds of the sales of the public lands amongst the several States, while at the same time it is proposed by the Secretary of the Treasury to have an increased duty on specified articles above that of twenty per cent., although the proceeds of the sales of the public lands might be withheld from the State; which being read, mr. Reneau moved to lay said amendment on the table. And the question thereupon being had, was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Miller, Motley, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—14.

The negative voters were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross, Warner and Waterhouse—10.

So said amendment was laid on the table.

And said bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 19, noes 6.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse and mr. Speaker Turney—19.

The negative voters were:

Messrs. Hardwicke, Johnson, Maclin, Martin, Matthews and Williams—6.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the passage of said bill.

The Senate, on motion of mr. Peyton, took up and considered a message from the House of Representatives, transmitting the non-concurrence of the House of Representatives to the sundry amendments of the Senate to the bill of the House to amend the laws now in force in relation to free persons of color; which being read,

Mr. Peyton moved that the Senate do recede from the amendment made to said bill, and the question thereupon being had, was determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Johnson, Laughlin, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—10.

The negative voters were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Powell, Ross, Warner and Waterhouse—15.

So said motion to recede from said amendment to said bill was rejected.

Mr. Peyton then moved that a committee of conference be appointed on part of the Senate, to act with such committee as may be appointed on part of the House of Representatives, to whom shall be referred said bill and amendments.

Ordered, that the clerk acquaint the House of Representatives that the Senate refuses to concur with the House, and insists upon the passage of the bill as amended by the Senate, and that the Senate propose a committee of conference, and have appointed messrs. Peyton and Nelson of said committee on part of the Senate

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third and last time and passed

A bill to compel banks to act agreeable to their charters, and for other purposes; which I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives have taken up and considered the amendment of the Senate to the bill of the House to appoint commissioners of the Bean's Station Turnpike road and for other purposes,

and non-concur therein; which I am directed to transmit to the Senate.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to-wit:

An act to amend and explain part of the second section of an act passed at the present session to consolidate the funds, and to provide for but one, instead of two separate classes of common schools in the Hiwassee and Ocoee Districts, in the State of Tennessee.

An act to incorporate the Tusculum Academy.

Which I am directed to transmit to the Senate. And then he withdrew.

Whereupon, the Speaker of the Senate did sign said several enrolled acts, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered a bill from the House of Representatives, directing the Secretary of State to have bound certain pamphlet acts of Congress, and for other purposes; which being read,

Mr. Powell moved to amend said bill by striking out the proviso in the 3d section; also, by adding to the end of the 4th section, the following: "and also such further sum, not exceeding fifty dollars, as may be necessary to fit up shelves and provide desks in the Secretary's office, for the preservation of the public documents; which being read and considered, said amendment was adopted.

And said bill, as amended, was read a third and last time, and the question, Shall said bill pass? was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered the following bills from the House of Representatives, upon their third and last reading in the Senate, to-wit:

A bill to authorise Samuel Henry, sr., of Blount county, to build a dam across Little river, in said county.

A bill to legalise marriage license in Jefferson county.

A bill to incorporate the Tennessee Manufacturing Silk Company and Agricultural School, to teach the art of the culture and manufacture of silk, and for other purposes.

Which several bills were read a third and last time, and the question upon the passage of said bills being severally had, was determined in the affirmative.

So said bills severally were passed upon their third and last reading in the Senate, and were severally ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to compel banks to act agreeable to their charters, and for other purposes.

Which bill being read a first time, mr. Foster moved the indefinite

postponement of said bill, and the question thereupon being had, was determined in the affirmative—ayes 13, nays 11.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Martin, Miller, Motley, Nelson, Peyton, Reneau, Sevier and mr. Speaker Turney—13.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Warner, Waterhouse and Williams—11.

So said bill was indefinitely postponed upon its first reading in the Senate.

Ordered, that said bill be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to extend the act of 1837–8, chap. 206, and to create a body politic and corporate, to be called the Mutual Insurance and Trust Company of Columbia.

Which being read a third time, mr. Ross moved to amend said bill by adding thereto the following: "*Provided*, that any future Legislature shall have power to alter, amend or repeal said charter, when in their opinion the public good requires the same to be done.

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 11, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Ross, Warner, and Waterhouse—11.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Ledbetter, Nelson, Reneau, Sevier, Williams, and mr. Speaker Turney—12.

So said amendment was rejected.

Mr. Martin moved to strike out the *proviso* to said bill offered by mr. Foster, and the question thereupon being had, was determined in the affirmative—ayes 13, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Martin, Miller, Motley, Ross, Warner, and Waterhouse—13.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—12.

So said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 13, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson,

Peyton, Powell, Reneau, Sevier, Williams, and mr. Speaker Turney —12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, *Mat*thews, *M*iller, *M*otley, Ross, Warner and Waterhouse—11.

So said bill passed upon its third and last reading in the Senate.

Whereupon mr. Jennings moved a re-consideration of the vote of the Senate upon the passage of said bill upon its third and last reading in the Senate, and the question, will the Senate re-consider the vote of the Senate upon the passage of said bill upon its third and last reading? being had, was determined in the affirmative—ayes 15, nays 9.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Martin, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams, and mr. Speaker Turney—15.

The negative voters were:

*M*essrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Ross, Warner, and Waterhouse—9.

So the vote of the Senate upon the passage of said bill upon its third reading is re-considered.

Mr. Jennings moved the re-consideration of the vote of the Senate rejecting a bill from the House of Representatives for the benefit of William P. Keith, and others.

The Senate took up and considered a bill prescribing the time, place and manner of choosing Senators to the Congress of the United States —when, on motion of mr. Foster, said bill was laid on the table.

The Senate took up and considered a bill to incorporate the Williamsport Bridge Company.

Which being read, was, on motion of mr. Williams, laid on the table until the end of the session.

The Senate took up and considered a bill concerning the seat of government.

Which bill was read a third and last time—when mr. Hardwicke moved to amend said bill by striking out Murfreesborough and inserting Charlotte, and the question thereupon being had, was determined in the negative—ayes 6, nays 18.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Hardwicke, Jennings, Matthews, Waterhouse, and mr. Speaker Turney—6.

The negative voters were:

Messrs. Foster, Frey, Gardner, Johnson, Laughlin, Ledbetter, *Mac*lin, Martin, Miller, *M*otley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, and Williams—18.

So said amendment was rejected.

Mr. Ashe moved to amend said bill by striking out Murfreesboro' and inserting Jackson—and the question thereupon being had, was determined in the negative—ayes 9, nays 15.

The ayes and noes being demanded,
The affirmative voters were:
Messrs. Ashe, Bradbury, Jennings, Johnson, maclin, Sevier, Waterhouse, Williams, and mr. Speaker Turney—9.
The negative voters were:
Messrs. Foster, Frey, Hardwicke, Laughlin, Ledbetter, martin, matthews, miller, motley, Nelson, Peyton, Powell, Reneau, Ross, and Warner—15.
So said amendment was rejected
Mr. Peyton moved to amend said bill by striking out Murfreesboro,' and inserting Gallatin—and the question thereupon being had, was determined in the negative—ayes 7, nays 17.
The ayes and noes being demanded,
The affirmative voters were:
Messrs. Ashe, Jennings, Nelson, Peyton, Sevier, Waterhouse and mr. Speaker Turney—7.
The negative voters were:
Messrs. Bradbury, Foster, Frey, Hardwicke, Johnson, Laughlin, Ledbetter, maclin, martin, matthews, miller, motley, Powell, Reneau, Ross, Warner, and Williams—17.
So said amendment was rejected.
Mr. Hardwicke moved to amend said bill by striking out Murfreesboro' and inserting Clarksville—and the question thereupon being had, was determined in the negative—ayes 6, nays 19.
The ayes and noes being demanded,
The affirmative voters were:
Messrs. Gardner, Hardwicke, Jennings, maclin, Waterhouse and mr. Speaker Turney—6.
The negative voters were:
Messrs. Ashe, Bradbury, Foster, Frey, Johnson, Laughlin, Ledbetter, martin, matthews, miller, motley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, and Williams—19.
So said amendment was rejected.
Mr. Bradbury moved to amend said bill by striking out Murfreesboro' and inserting Perryville—and the question thereupon being had, was determined in the negative—ayes 9, nays 16.
The ayes and noes being demanded,
The affirmative voters were:
Messrs. Ashe, Bradbury, Gardner, Jennings, maclin, Sevier, Waterhouse, Williams and mr. Speaker Turney—9.
The negative voters were:
Messrs. Foster, Frey, Hardwicke, Johnson, Laughlin, Ledbetter, martin, matthews, Miller, motley, Nelson, Peyton, Powell, Reneau, Ross, and Warner—16.
So said amendment was rejected.
Mr. Motley moved to amend said bill by striking out *M*urfreesboro' and inserting Lebanon, and the question thereupon being had, was determined in the negative—ayes 10, nays 15.
The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Jennings, Martin, Miller, Motley, Nelson, Peyton, Sevier, Waterhouse, and mr. Speaker Turney—10.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Powell, Reneau, Ross, Warner, and Williams—15.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the negative—ayes 11, nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Ross, Warner, and Williams—11.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Matthews, Motley, Nelson, Peyton, Powell, Reneau, Sevier Waterhouse, and mr. Speaker Turney—14.

So said bill was rejected upon its third and last reading in the Senate.

Whereupon mr. Matthews moved a re consideration of the vote of the Senate rejecting said bill upon its third and last reading—and the question upon the re-consideration of said vote being had, was determined in the affirmative—ayes 14, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Ross, Warner, Waterhouse, and Williams—14.

The negative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Motley, Nelson, Peyton, Powell, Reneau, Sevier, and mr. Speaker Turney—11.

So the vote rejecting said bill is re-considered.

Whereupon mr. Johnson moved to amend said bill, and offered the following in lieu of the whole bill, as follows:

A bill to remove the seat of government from Nashville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the next regular session of the General Assembly shall be held in the town of Knoxville, and it shall be the duty of the Governor and Secretary of State at least sixty days before the first Monday in October, eighteen hundred and forty-three, to remove, with all the papers, books, &c., belonging to the respective offices to the said town of Knoxville, where they shall thereafter reside and keep their offices until otherwise directed by law.

Sec. 2. *Be it enacted*, That if in the opinion of the Governor it shall be necessary to have a called session for the purpose of apportioning the congressional districts, said called session shall be held in the town of Jackson in the county of Madison, and the Governor and Secretary of State are hereby required to give their personal attend-

ance at said town of Jackson in Madison county, at said called session.

Sec. 3. *Be it enacted*, That the 7th section of an act passed February 1, 1840, be and the same is hereby repealed.

Which being read, mr. Johnson moved the adoption of said amendment.

Mr. Ashe moved to amend said amendment by striking out Knoxville and inserting Jackson.

Mr. Maclin moved the previous question, and the question, Shall the main question be now put? being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Frey, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Miller, Motley, Nelson, Peyton, Reneau, Ross, Warner, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Gardner, Jennings, Maclin, Matthews, Powell, Sevier and Waterhouse—10.

So the previous question was sustained, and the amendment proposed by mr. Johnson to said bill was rejected.

Mr. Martin moved a re-consideration of the vote sustaining the previous question, and the question thereupon being had, was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Johnson, Ledbetter, Maclin, *M*artin, Matthews, Miller, Ross, Sevier, Waterhouse and Williams—11.

The negative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Motley, Nelson, Peyton, Powell, Reneau, Warner and mr. Speaker Turney—14.

So said motion to re-consider the previous question was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Ross, Warner, Waterhouse and Williams—12.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Matthews, Motley, Nelson, Peyton, Powell, Reneau, Sevier and mr. Speaker Turney—13.

So said bill was rejected upon its third and last reading in the Senate.

Mr. *M*atthews moved the re-consideration of the vote rejecting the bill proposing to locate the seat of government, and the question thereupon being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Ross, Warner, Waterhouse and Williams—12.

The negative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Miller, Motley, Nelson, Peyton, Powell, Reneau, Sevier and mr. Speaker Turney—13.

So said motion to re-consider the vote of the Senate rejecting said bill upon its third and last reading was rejected.

On motion of mr. Peyton,

The Senate adjourned until to-morrow morning 9 o'clock.

FRIDAY, FEB. 4, 1842.

Mr. Frey, chairman of the committee on enrollments—Reports as correctly enrolled the following entitled resolutions, to-wit:

A resolution to authorise the Superintendent of Public Instruction to keep his office in the Senate chamber after the rise of this General Assembly.

A resolution denouncing the doctrine of repudiation of State debts.

Whereupon, the Speaker of the Senate did sign said several enrolled resolutions, and directed that the same be transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives to appoint commissioners on Scott's Turnpike road, leading through Fentress county, and for other purposes; which being read,

Mr. Williams moved to amend said bill by striking out the 2d section of said bill as follows, to-wit:

Sec. 2. *Be it enacted*, That it shall be the duty of the said proprietor of said road to build a bridge across Emory river and the Clear Fork; and it shall be the duty of said commissioners to see that the same is done in a suitable manner; which being read, and the sense of the Senate thereon being had, said amendment was adopted.

And said bill, as amended, was read a second time and passed.

Mr. Hardwicke, chairman of the committee on the Penitentiary, submitted the following report, to-wit:

The joint committee upon the Penitentiary, to whom was referred the Reports of the Keeper and Inspectors of the Penitentiary, ask leave to report, that although attention to various other important duties has prevented that careful examination of the subject that it deserves, yet they have been able to satisfy themselves that the reports of the Agents and Inspectors are correct, and that the institution is in all respects well managed.

Some amendments to the present laws might be enacted which would advance the interest of the institution; yet at this late period of the session, they refrain from recommending any action on the subject. They cannot dismiss this subject without saying, much is due to the inspectors, the physician, agent and officers of the institution, for the able and efficient manner in which they have severally discharged the duties of their respective stations, and to express the confident belief, that under such management, the institution cannot fail to meet the proudest hopes, and to secure the interest of the State. The commit-

tee ask to be relieved from the further consideration of the subject.—All which is respectfully submitted.

JONATHAN P. HARDWICKE,
Chairman on part of the Senate.

Which being read, said report is ordered to be enrolled on the journal of the Senate, and said committee from the further consideration of said matters be discharged.

Mr. Matthews submitted the following:

Resolved, That the Senate have printed three thousand copies of the captions of the acts of the present General Assembly, with a synopsis of their contents, for the use of the members of the Senate; which being read, and the rule being suspended, said resolution was adopted.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bills entitled as follows, to-wit:

An act to authorise the refunding of money to Sheriff's and tax collectors in certain cases.

An act to incorporate the inhabitants of the town of Fort Pickering in the county of Shelby.

Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have taken up, read a third and last time and passed with amendments, the following bills of the Senate, which amendments are herewith transmitted, to-wit:

A bill to alter the dividing line between Rutherford and Cannon counties.

A bill to amend the laws regulating divorces.

A bill for the better security of public ferries.

A bill to alter the county line between the counties of Knox and Grainger.

A bill incorporating the Union University of Tennessee.

A bill to amend the Militia Laws of this State.

A bill to amend the laws for the collection of taxes of the corporation of the town of Knoxville and town of Charlotte.

Which I am directed to transmit to the Senate.

And then he withdrew.

The Senate took up and considered a message from the House of Representatives transmitting the following bills of the Senate amended by the House of Representatives, read a third and last time and passed, to-wit:

The amendments of the House of Representatives to the Senate's bill to alter the dividing line between Rutherford and Cannon counties being read the Senate concur therein.

The amendments of the House of Representatives to the Senate's

bill to amend the laws regulating divorces being read the Senate concur therein.

The amendments of the House of Representatives to the Senate's bill for the better security of public ferries being read the Senate concur therein.

The amendments of the House of Representatives to the Senate's bill to alter the county line between Knox and Grainger being read the Senate concur.

The amendments of the House of Representatives to the Senate's bill to amend the laws for the collection of taxes of the corporation of the town of Knoxville and the town of Charlotte being read the amendments of the House of Representatives were concurred in, except the amendment made to the sixth section, striking out the words "and one additional constable," which was non-concurred in.

The amendments of the House of Representatives to the Senate's bill incorporating the Union University of Tennessee being read the Senate non-concur in the amendment made by striking out the words "of Tennessee"—the Senate amends by inserting in lieu thereof the words "in the State of Tennessee," and with said amendment concur, and ask the concurrence of the House of Representatives.

The amendments of the House of Representatives to the Senate's bill to amend the Militia Laws of the State being read the Senate non-concur therein.

Ordered that said several bills amended by the House of Representatives and non-concurred in by the Senate, be re-transmitted to the House of Representatives, and that the clerk announce the non-concurrence of the Senate to the said several amendments made to said bills.

The Senate took up and considered a bill from the House of Representatives to amend an act passed 11th December, 1837, entitled an act to amend an act to incorporate the Ash Port Turnpike company.

Which bill being read, when mr. Ashe moved to amend said bill by striking out the 3d section as follows:

Sec. 3. *Be it enacted*, That said company or their grantee is hereby authorized to mark out such roads to lead from or to said Turnpike and in such direction and of such distances as may be thought proper, and provided Allen Deberry, William H. Long, U. H. Buck, Absolum Deberry and Samuel Neely, or any three of them shall examine such routes, and upon their oaths report the same to the county court of Madison as promotive of the public convenience and advantage, it shall be the duty of said court to order the same to be forthwith opened, forty-feet wide, and kept in repair as county roads of the first class.

Which being read and the sense of the Senate thereon had said amendment was adopted.

Mr. Ashe moved to amend said bill by adding thereto the following:

Provided, That the stockholders of said company shall not be entitled to the benefits of the first section of this act until said road is completed, *Provided*, That nothing in this act shall be so construed as

to authorise the stockholders to convey away the rights of the State as a stockholder in said road.

Which being read and considered said amendment was adopted.

And said bill as amended was read a second time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 15, nays 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Miller, Motley, Peyton, Powell, Ross, Sevier, Waterhouse, and mr. Speaker Turney—15.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Matthews, Nelson, Reneau and Warner—5.

So said bill was passed upon its second reading in the Senate.

The Senate took up and considered a bill from the House of Representatives to extend the act of 1837–8, chapter 206, and to create a body politic, to be called the Mutual Insurance and Trust Company of Columbia.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered the following bills from the House of Representatives, upon their second reading, to-wit:

A bill to amend an act entitled an act to extend the limits of the corporation of Brownsville.

A bill to remedy the informality of deeds of conveyance and other instruments executed by an attorney.

A bill for the benefit of the clerk of the Supreme Court at Jackson.

A bill to create the 23d and 24th brigades of Tennessee Militia, the 23d of the counties of Fayette and Shelby, and the 24th of the county of Maury.

A bill to authorise the refunding of moneys to sheriffs and tax collectors in certain cases.

A bill for the relief of the owners of iron works south and west of the congressional reservation line.

A bill to amend an act entitled an act to prescribe certain duties to be performed by the clerks of the several courts in this State.

A bill for the benefit of occupant settlers south and west of the congressional reservation line in certain cases.

A bill to repeal the 3d section of an act incorporating the town of Tazewell.

A bill to amend and extend the charter of the White's Creek Turnpike Company.

A bill to amend the several acts in this State respecting costs.

A bill making allowance to certain purchasers of reservations in the Hiwassee District.

A bill to change the time of holding the Chancery Court at Somerville.

A bill to change and amend the act of 1839–40, chap. 102, sec. 8.

A bill to provide for furnishing the new counties with the statute laws of Tennessee.

Which bills were severally read a second time and passed.

A message from His Excellency the Governor of the State, transmitted by John S. Young, Secretary of State for the State of Tennessee.

EXECUTIVE DEPARTMENT,
Nashville, February 4, 1842.

Gentlemen of the Senate and House of Representatives:

I have this day received the resignation of W. F. Lougherty, Attorney General of the 14th solicitorial district.

It is therefore necessary and proper that you should fill said vacancy.

JAMES C. JONES.

Which being read, was laid on the table.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to distribute one hundred thousand dollars among the several counties of Middle Tennessee, and for other purposes; which being read a second time,

Mr. Foster moved to adopt an amendment offered by him in lieu of the bill, as follows:

Be it enacted, That the commissioners, or any one of them, heretofore appointed to superintend and let out the improvement of rivers in Fentress county, have, under and by virtue of the act of 1837, chap. 115, let out the improvements of the rivers of Fentress county, such commissioners, or any of them, may file a petition in open court, before the judge of Fentress Circuit court, setting forth the fact of letting out said improvement, to whom let, what improvement was to be made, when to be made, by whom to be made, upon what terms, and in what time said improvement was to be made. And said judge shall receive and hear testimony, and examine all the facts and law; and if said judge shall be satisfied and convinced that said commissioners did in good faith under said act let out said improvement; that said improvement has been agreeably to such letting completed, or in part completed; and that no pay or compensation has been made to said commissioners, or any of them, or to the person making said improvement by the State, or any officer of the State for such improvement, then said judge shall give his certificate to said commissioner filing said petition, certifying the amount of money which, in good conscience, should be paid by the State for such improvement, or part of improvement; and upon the presentation of such a certificate, officially certified to the Comptroller of the Treasury, it shall be his duty to issue his warrant for such sum of money to the Treasurer in favor of said commissioner, to be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, that the cost of the proceedings shall be paid out of the fund also. It shall be the duty of the Attorney General of ——— circuit to attend to taking proof and examination of the law and facts in said proceeding in behalf of the

State; which being read, and the sense of the Senate thereon had, said amendment was adopted; and said bill, as amended, was read a third time and passed.

Ordered, that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives to continue Dr. Gerard Troost Geologist, *M*ineralogist and Assayer of the State of Tennessee; which being read a second time,

Mr. Gardner moved to amend said bill by adding thereto the following, to-wit:

Sec. 1. *Be it enacted*, That it be, and is hereby made the duty of Dr. Gerard Troost, Geologist and Assayer for the State, within the succeeding two years to visit the western division of the State, (commonly called the Western District,) and analyze some portion of the soil in at least two of the counties of each Senatorial district in said division, and report the constituent elements of the soils so by him to be analyzed, to the next General Assembly of this State.

Sec. 2. *Be it enacted*, That in passing through said division for the purposes aforesaid, it shall be the duty of said Troost to make a geological survey thereof, with a view to discover any metals or minerals it may contain, and report the result of such examination to the Legislature at its next regular meeting.

Sec. 3. *Be it enacted*, That it is hereby made the duty of the Treasurer of the State to withhold from said Geologist and Assayer one-third of his annual salary, until he shall be informed that the survey and analysis contemplated by this act are in actual progress; which being read, said amendment was adopted.

Mr. ——— moved to lay said bill on the table, and the question thereupon being had, was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicke, Johnson, Maclin, *M*artin, Matthews, Miller, *M*otley, Warner and Waterhouse—10.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Nelson, Peyton, Powell, Reneau, Ross and Sevier—14.

So said motion to lay said bill on the table was rejected.

Which bill, as amended, was read a second time, and the question then recurred upon the passage of said bill, which being had, was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, maclin, Peyton, Powell, Reneau and Sevier—13.

The negative voters were:

Messrs. Hardwicke, Johnson, martin, matthews, miller, motley, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—11.

So said bill was passed upon its second reading.

The Senate took up and considered a bill from the House of Repre-

sentatives to incorporate the Kingsport Manufacturing Company; which bill being read a second time,

Mr. Matthews moved to amend said bill by adding thereto the following: *Provided*, that nothing in this act shall be so construed as to prevent any future Legislature from altering, amending or repealing the same, whenever the same shall be required by the good of the public, or the will of the people; which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 7, noes 15.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Johnson, Laughlin, *M*artin, *M*atthews, Ross, Warner and Waterhouse—7.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, *M*iller, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—15.

So said amendment was rejected.

The Senate took up and considered a bill from the House of Representatives to revive the charter of the Nashville Bank; which bill being read a second time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 17, noes 6.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, *M*aclin, *M*artin, *M*iller, Peyton, Powell, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. Bradbury, Foster, *M*atthews, *M*otley, Nelson and Reneau —6.

So said bill was passed upon its second reading.

*M*r. Gardner moved to take up the consideration of a bill from the House of Representatives to incorporate the Nashville Dam and Lock Company upon its second reading in the Senate, and the question, Will the Senate take up the consideration of said bill? being had, was determined in the negative—ayes 3, noes 22.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner and Laughlin—3.

The negative voters were:

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, *M*aclin, *M*artin, *M*atthews, *M*iller, *M*otley, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams and mr. Speaker Turney—22.

So said motion to take up and consider said bill was rejected.

The Senate, on motion of mr. Peyton, took up and considered a resolution by him submitted on the 25th January last, to appoint commissioners to examine into the condition of the branches of the Bank of Tennessee; which being read,

Mr. Laughlin moved to insert in lieu of said resolution, by adding thereto after the word "Resolved," the following:

That a special joint committee to consist of one Senator and two members of the House of Representatives, the members of which committee shall reside in each division of the State, be appointed, with authority to appoint a clerk, a majority of whom shall constitute a quorum, whose duty it shall be to sit in the recess of the General Assembly, and with power to send for persons and papers, and to examine witnesses on oath, and to summon and compel the attendance of the same, and whose duty it shall be to examine the condition of the offices of the Treasurer, the Comptroller and Superintendent of Public Instruction, and Secretary of State, and to fully investigate the books, affairs and condition of said offices, and the manner in which the incumbents of said offices have discharged the duties of the same; and it shall moreover be the duty of said committee, with the same powers to examine into the condition, affairs, books, debts, accounts, funds, property, dealings in stocks, bonds, notes, bills with individuals or corporations, and business of the Bank of Tennessee and its several branches, of the Union Bank of Tennessee and branches, the Planters' Bank of Tennessee and branches, and the Farmers' and *Mer*chants' Bank of *Mem*phis; and the same committee shall have power to examine the President, Cashier and Clerks of said banks, and all other witnesses, on oath; and it shall be the duty of said committee to make a full report of their proceedings, and the facts and proofs by them collected, to the next session of the General Assembly, whether the same shall be a called session or a regular session.

2. *Resolved*, That it shall also be the duty of said committee to fully investigate and examine into the condition and business, affairs, progress, debts, liabilities, contracts and dealings of the Hiwassee Railroad Company, and of the La Grange Railroad Company; and that in making said investigations, the said committee shall have power to examine the Presidents and officers of said companies on oath, and to send for persons and papers, and examine witnesses on oath; and that said committee take a full account of all the expenditures, including salaries paid by said companies, and make report of all facts and proof by them collected to the next session of the General Assembly, whether the same be a called or regular session of the same.

3. *Resolved*, That these resolutions shall be a sufficient warrant and authority to said committee, and that —— —— be, and he is hereby appointed of said committee on the part of the Senate, and —— —— and —— —— on the part of the House of Representatives; and said members of said committee shall be allowed three dollars each per day while actually employed in travel or otherwise under these resolutions; which being read, said resolutions and amendment were laid on the table.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to-wit:

An act for the correction of certain mistakes in the entry of lands in the Ocoee District, and for other purposes.

An act to impose certain duties on overseers of roads.

An act to amend the second section of an act entitled an act to prevent the poisoning of fish in any of the waters of this State, passed Nov. 19th, 1833, chapter 74.

An act to amend the penal laws of this State.

An act to extend the Rhea Academy in the town of Greeneville, and for other purposes.

An act to amend the law of discounts in certain cases, and for other purposes.

An act to amend an act entitled an act to amend an act to dispose of the lands in the Ocoee District, passed the 28th of November, 1839, chapter 8.

An act to restore John Wilson of Blount county, William Hamilton of Rutherford, and Alonzo M. D. Bostick of Benton county, to the privileges of citizenship.

An act giving further time to former Sheriffs to collect arrearages of taxes.

An act to repeal an act declaring the Ocoee river navigable.

The House of Representatives have taken up, read and indefinitely postponed upon its third and last reading a bill from the Senate to amend an act entitled an act to authorise suits to be brought jointly against the makers and endorsers of promisory notes and other instruments.

Also, a bill from the Senate to encourage the culture of silk in the State of Tennessee read a third time and passed.

Which I am directed to transmit to the Senate.

The House of Representatives have adopted a resolution proposing that the Senate meet the House of Representatives in their Hall on Saturday the 5th instant, for the purpose of electing an Attorney General for the 14th Judicial Circuit.

Which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled acts, and directed that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered a message from the House of Representatives, transmitting a resolution proposing that the Senate meet the House of Representatives in their Hall on Saturday the 5th instant for the purpose of electing an Attorney General for the 14th Judicial Circuit.

Which being read the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate took up and considered the report of the committee of conference on the disagreement of the two houses on the bill from the House of Representatives to amend the laws now in force in relation to free persons of color.

Which being read, and the question upon the passage of the bill as recommended by the committee of confidence, being had was determined in the affirmative—ayes 13, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Gardner, Jennings, Johnson, Laughlin, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Williams and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Foster, Frey, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Warner and Waterhouse—11.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House of Representatives therewith and ask a concurrence in the amendments to said bill, upon the report of the committee of conference.

Mr. Peyton moved to take up a message from His Excellency the Governor of the State of Tennessee nominating twelve directors of the Bank of Tennessee for the next two years.

And the question "will the Senate take up and consider said message?" being had was determined in the negative—ayes 12, nays 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, matthews, miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—12.

So said motion to take up and consider said message was rejected.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled, a bill entitled an act to establish the county of Putnam, to perpetuate the name and public services of Gen. Israel Putnam of the revolutionary war.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives to amend the several acts passed heretofore in relation to the corporation of the town of Jonesborough.

Which bill was read a second time and passed.

The Senate took up and considered the following bills from the House of Representatives, to wit:

A bill to amend and extend the charter of the White's Creek Turnpike road.

A bill to amend the several acts in this State respecting costs.

A bill to establish the 23rd and 24th Brigades of Tennessee Militia—

the 23rd of the counties of Fayette and Shelby, and the 24th of the county of Maury.

Which bills severally were read a second time and passed.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. SPEAKER: The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to-wit:

An act to impose certain duties on overseers.

An act to amend the penal laws of this State.

An act to amend the second section of an act entitled an act to prevent the poisoning of fish in any of the watersofthis State, passed November 19th, 1833, chapter 74.

An act to extend the Rhea Academy in the town of Greeneville, and for other purposes.

An act to amend the laws of discounts in certain cases, and for other purposes.

An act giving further time to former Sheriffs to collect arrearages of taxes.

An act to restore John Wilson of Blount county, William Hamilton of Rutherford county, and Alonzo D. Bostick of Benton county, to the privilege of citizenship.

Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said several enrolled acts, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

A message from the House of Representatives by mr. Mitchell their Clerk:

Mr. SPEAKER: The House of Representatives concur in the Senate's amendment in lieu of a bill from the House to prevent the issuing and circulating change bills or tickets of any size or denomination whatever.

The House of Representatives concur in the amendments of the Senate to the bill of the House to amend an act entitled an act to distribute an hundred thousand dollars among the several counties of Middle Tennessee and for other purposes.

The House of Representatives non-concur in the amendment of the Senate to the bill of the House to amend the charter of the Obion Turnpike company.

The House of Representatives concur in the amendment of the Senate to the bill of the House directing the Secretary of State to have bound certain pamphlet acts and for other purposes.

Which I am directed to transmit to the Senate.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to incorporate the Kingsport Wool Manufacturing company.

Which bill was read a second time, when mr. Matthews offered the following amendment:

Be it enacted, That nothing in this act contained shall be so construed as to prevent any future Legislature from altering, changing, modifying or

repealing this charter, if in the opinion of the Legislature the public good requires it, or the people demand it.

Which being read and the sense of the Senate thereon being had said amendment was rejected.

The question then recurred upon the passage of said bill, which being had was determined in the affirmative.

So said bill was passed upon its second reading in the Senate.

SATURDAY, FEB. 5, 1842.

Ordered that the clerk respectfully request the House of Representatives to re-transmit a bill from the House of Representatives for the relief of James P. Keith and Allen Burdett, rejected in the Senate on its first reading.

The Senate by a rule thereon prevailing had directed the further consideration of said bill.

The Senate took up and considered a bill from the House of Representatives making allowance to certain purchasers and assignees of purchasers of reservations in the Hiwassee District.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 12, nays 7.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Miller, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—12.

The negative voters were:

Messrs. Laughlin, Macon, Martin, Matthews, Motley, Ross and Warner—7.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a message from the House of Representatives, transmitting the non-concurrence of the House to the Senate's amendments to the bill of the House to appoint commissioners on the Beans' Station Turnpike road,

Which being read, the Senate recede from their said amendment to said bill.

Ordered that the clerk acquaint the House therewith.

The Senate took up and considered a bill from the House of Representatives, for the relief of James P. Keith and Allen Burdeth.

Which bill was read a second time and rejected.

Ordered that said bill be transmitted to the House of Representatives, and that the clerk announce to the House of Representatives the rejection of said bill.

The Senate took up and considered a bill from the House of Repre-

sentatives to change the time of holding the Chancery Courts at Louisburg, in the county of Marshall.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives, to amend and extend the charter of the White's Creek Turnpike company.

Which bill as amended, was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk announce to the House of Representatives the Senate's amendment to said bill, and ask a concurrence therein.

Mr. Frey, chairman of the committee on Enrollments, reports as correctly enrolled the following entitled bills, to wit:

An act to alter the county line between the counties of Knox and Grainger.

An act to amend the act of 1835, chapter 13.

Whereupon the Speaker of the Senate did sign said enrolled acts, and directed that the same be transmitted to the House of Representatives.

A message from the House of Representatives by mr. *Mitchell* their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the following bills from the Senate, which the House of Representatives have rejected upon their third and last reading, to wit:

A bill to make provision for the Supreme court of Errors and appeals.

A bill to amend an act, entitled an act, to authorise suits to be brought jointly against the makers and endorsers of promisory notes and other instruments.

A bill for the relief of Sommerville College.

A bill to authorise the Bank of Tennessee and branches to renew all notes of two hundred dollars and under, by calling in ten per cent.

A bill to define and make certain the manner of laying out private ways.

A bill to amend the act of 1831, chapter 52, and 1827, chapter 49.

The following bills from the Senate were read finally postponed upon their second reading in the House of Representatives, to wit:

A bill to appropriate the State tax of Hardin county for two years to county purposes.

A bill to establish the line between the counties of Overton and Jackson.

A bill to regulate the fees of Attorney Generals in certain cases.

A bill for the relief of Humphreys and Benton counties.

A bill to provide for but two, instead of three annual terms of the Cir-

cuit court, in each of the counties west of the Tennessee river, and to fix the time of holding the same.

And the following resolutions from the Senate, were indefinitely postponed upon their first reading in the House of Representatives, to wit:

A resolution directory to the keeper and every other officer of the Penitentiary.

The following bills from the Senate were rejected upon their third and last reading in the House of Representatives, to wit:

A bill to provide for the change of venue in civil cases.

A bill to provide for an Entry taker in the county of Polk, and for other purposes.

A bill to provide for and secure *femes covert*, in the possession and enjoyment of property.

A bill to establish the county of Mulberry, was rejected upon its second reading in the House of Representatives.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to wit:

An act for the relief of Abethel Wallace, Sheriff of Stewart county.

An act to establish a University at Lebanon, in Wilson county.

An act to authorise the building of dams across Duck river, above the town of Columbia, of certain dimensions.

An act for the relief of securities and endorsers in certain cases.

An act to incorporate the Penitentiary Turnpike company.

An act to amend the charter of Martin Academy, at Jonesborough, and for other purposes.

An act to incorporate the town of Harrison, in Hamilton county.

A resolution directory to the Governor and Secretary of State, requiring them to procure a title to lands on which the Lunatic Asylum is situated. Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said several enrolled acts and enrolled resolution, and directed that the same be transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered a bill from the House of Representatives to continue Doctor Gerard Troost Geologist, Mineralogist, and Assayer of the State of Tennessee.

Which bill being read a third and last time—when mr. Ledbetter moved to amend said bill by striking out the third section, and the question thereon being had was determined in the affirmative.

So said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 13, nays 12.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Laughlin, Ledbetter, Machin, Motley, Nelson, Peyton, Reneau, Ross, and Sevier—13.

The negative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Martin, Mat-

thews, Miller, Powell, Warner, Waterhouse, Williams, and mr. Speaker Turney—12.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk acquaint the House with the Senate's amendment made to said bill and ask a concurrence therein.

The Senate took up and considered a bill to divide the State into Senatorial and Representative Districts.

Mr. Ledbetter moved to raise a committee of conference on the disagreement between the two Houses—when the Speaker declared said motion as being in order, that question having been raised—

Mr. Laughlin appealed from the decision of the Speaker to the Senate—and the question thereupon being had, was determined in the affirmative—ayes 11, nays 11.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau and Sevier—11.

The negative voters were:

Messrs. Gardner, Hardwicke, Laughlin, Maclin, *M*artin, Matthews. Miller, Powell, Ross, Warner, and Waterhouse—11.

So the decision of the chair was sustained.

The question then recurred upon the raising of a committee upon the disagreement of the two Houses, which being had was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, motley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were:

*M*essrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, *M*artin, Matthews, miller, Powell, Ross, Warner, Waterhouse, and mr. Speaker Turney—13.

So said motion to raise a committee of conference on the disagreement of the two Houses on said bill was rejected.

The Senate took up and considered a bill from the House of Representatives, to amend the several acts in this State respecting costs.

Mr. ——— moved to amend said bill by striking out the 1st and 2d sections of said bill, which being read and the sense of the Senate thereon had, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative—ayes 17, nays 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, miller, motley, Peyton, Powell, Reneau, Ross, Sevier, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. maclin, martin, matthews, Nelson, Warner, and Waterhouse —6.

So said bill as amended was passed upon its third and last reading in the Senate, and ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the Senate's amendments and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to extend the limits of the corporation of Brownsville.

Which bill was read a third and last time—and the question, shall said bill pass? was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, was ordered to be transmitted to the House of Representatives for enrollment.

A message from the House of Representatives by mr. Mitchell their Clerk.

Mr. Speaker: The House of Representatives have taken up and read a third and last time the following entitled bills from the Senate, to-wit:

A bill to provide for the payment of certain public charges.

A bill to incorporate the Montgomery Wharf Company.

A bill to authorize the Planters' Bank to discontinue its branch at Athens and establish it at Chattanooga, and for other purposes.

A bill to repeal the seventh section of an act entitled an act to incorporate a Literary Institution in the town of *Maryville*, in Blount county, to be styled the Maryville College, passed 14th January, 1842.

Which bills were read a third and last time and passed—which I am directed to transmit to the Senate.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to incorporate the Kingsport Wool Manufacturing Company.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to distribute one hundred thousand dollars among the several counties of Middle Tennessee, and for other purposes.

Which bill was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative—ayes 17, nays 5.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, maclin, martin, miller, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney—17.

The negative voters were:

Messrs. matthe ws, motley, Nelson, Peyton and Warner—5.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken a recess preparatory to the going into the election of an Attorney General for the 14th Judicial Circuit set apart for this day.

And then he withdrew.

Whereupon the Senate took a recess preparatory to meeting the House of Representatives in convention to go into the election set apart for this day under a joint resolution of both Houses of the General Assembly.

The Speaker of the Senate having called the Senate to order, when

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives are now ready, awaiting the Senate to meet in convention in the Hall of the House, to go into the election of Attorney General for the 14th Judicial Circuit set apart for this day.

And then he withdrew.

Whereupon mr. Speaker Turney, and Gentlemen of the Senate repaired to the Hall of the House of Representatives and met the House in convention.

Mr. Speaker Turney and mr. Speaker Douglass in the chair of the Speaker of the House of Representatives.

And the resolution calling a convention of both Houses of the General Assembly being read—

When mr. Speaker Turney declared that nominations were in order.

Whereupon, N. B. Burrow, H. Strange, A. M. Dougal, Solon E. Rose, and mr. Mack, were put in nomination for the office of Attorney General for the 14th Judicial circuit.

The convention proceeded *viva voce* to elect an Attorney General for the 14th Judicial Circuit.

Senators voting for mr. Burrow were:

Messrs. Ashe and Bradbury, 2.—The votes cast by the House of Representatives for mr. Burrow as reported being 8—in all 10.

Senators voting for mr. *Mc*Dougal were:

*Mes*srs. Maclin, Matthews and Miller, 3.—The vote cast by the House of Representatives for mr. McDougal as reported being 12—in all 15.

Senators who voted for mr. Rose were:

Messrs. Jennings, Martin, Motley, Peyton Reneau, Ross and Williams, 7.— The vote cast by the House of Representatives for mr. Rose as reported being 27—in all 34.

Senators voting for mr. Strange were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Powell, Sevier, Warner, Waterhouse and mr. Speaker Turney, 9.—The votes cast of

the House of Representatives for mr. Strange as reported being 18—in all 27.

Senators voting for mr. Mack were:

*M*essrs. Foster, Frey, Ledbetter and Nelson, 4.—The votes cast by the House of Reprsentatives for mr. *M*ack as reported being 9—in all 13.

Neither of said candidates having a majority of all the votes cast in said Convention the Speaker of the Senate declared that there was no election; and the question "Shall the convention proceed in said election?" being had was determined in the affirmative.

Whereupon, the convention proceeded *viva voce*, a second time, to elect an Attorney General for the 14th judicial circuit.

*M*r. Ashe voted for mr. Burrow.

The votes cast by the House of Representatives for mr. Burrow as reported being 7—in all 8.

Senators who voted for mr. *M*cDougal were.

*M*essrs. Matthews and Miller—2.

The votes cast by the House of Representatives for mr. *M*cDougal as reported being 9—in all 11.

Senators who voted for mr. Rose were:

Messrs. Bradbury, Foster, Jennings, martin, motley, Peyton, Reneau. Ross and Williams—9.

The votes cast by the House of Representatives for mr. Rose as reported being 29—in all 38.

Senators who voted for mr. Strange were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, Powell, Sevier, Warner, Waterhouse and mr. Speaker Turney—10.

The votes cast by the House of Representatives for mr. Strange as reported being 22—in all 32.

Senators who voted for mr. *M*ack were:

Messrs. Frey, Ledbetter and Nelson—3.

The votes cast by the House of Representatives for mr. Mack as reported being 5—in all 8.

Neither of said candidates having a majority of all the votes cast in said convention, the Speaker of the Senate declared that there was no election, and the question, Shall the convention proceed in said election? being had, was determined in the affirmative.

Whereupon, messrs. Burrow and Mack withdrew their names, and declined further canvass for said office.

The convention then proceeded *viva voce*, a third time, to elect an Attorney General for the 14th judicial circuit.

Senators who voted for mr. McDougal were:

*M*essrs. matthews and miller—2.

The votes cast by the House of Representatives for mr. McDougal as reported being 3—in all 5.

Senators who voted for mr. Rose were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Ross and Williams—12.

The votes cast by the House of Representatives for mr. Rose as reported being 38—in all 50.

Senators who voted for mr. Strange were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Powell, Sevier, Warner, Waterhouse and mr. Speaker Turney—11.

The votes cast by the House of Representatives for mr. Strange as reported being 31—in all 42.

It appearing that Solon E. Rose had the highest number, and a majority of all the votes cast in said convention, the Speaker of the Senate declared that Solon E. Rose was duly and constitutionally elected Attorney General for the 14th judicial circuit, in the State of Tennessee, for the next ensuing six years from this day.

Whereupon, the convention rose, and mr. Speaker Turney and gentlemen of the Senate retired to their own chamber and resumed their session; when

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered a bill from the House of Representatives to amend the law in relation to free persons of color; when

Mr. Jennings moved a re-consideration of the report of the committee of conference upon the disagreement of the two Houses on said bill; when the Speaker declared and ruled said motion as being out of order.

The Senate took up and considered a bill from the House of Representatives to remedy the informality of deeds of conveyance and other instruments executed by an attorney; when

Mr. Foster offered an amendment to said bill, which being read and considered by the Senate, said amendment was rejected.

Mr. Laughlin moved an amendment to said bill, which being read, said amendment was adopted. And said bill, as amended, being read a third and last time, and the question upon the passage of said bill was thereupon had and determined in the affirmative—ayes 16, noes 7.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Miller, Peyton, Powell, Reneau, Warner, Williams and mr. Speaker Turney—16.

The negative voters were:

Messrs. Maclin, Martin, Matthews, Motley, Nelson, Ross and Waterhouse—7.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the amendment of the Senate to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, distinguished by its No 109; when

Mr. Ashe moved to amend said bill, offering two separate and distinct amendments thereto, which being read and considered, said

amendments were adopted. And said bill, as amended, was read a third and last time, and the question upon the passage of said bill was had and determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the amendments made by the Senate to said bill, and ask a concurrence therein.

Mr. Frey, chairman of the committee on enrollments, reported as correctly enrolled the following entitled bills, to-wit:

An act to amend the laws regulating divorces.

An act to encourage the culture of silk in the State of Tennessee.

An act for the better security of public ferries.

An act to amend the laws now in force in relation to the administration of the estates of deceased persons.

An act to encourage domestic manufactures.

Whereupon the Speaker of the Senate did sign said several enrolled acts, and ordered that the same be transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives for the benefit of occupant settlers south and west of the congressional reservation line, in certain cases.

Which being read, mr. Ledbetter moved to amend the caption of said bill by adding thereto the following, after the words—

Which being read, said amendment was adopted.

And said bill as amended was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative.

So said bill, as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered that the clerk transmit said bill to the House of Representatives, and inform the House of the Senate's amendments to said bill, and ask a concurrence therein.

The Senate took up and considered a message from the House of Representatives to certain resolutions adopted by the Senate, requiring the Banks of Tennessee to resume and continue specie payments.

Which being read, and the question upon the concurrence of the Senate in the amendments of the House of Representatives to said resolution being had was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Powell, Ross, Warner, Waterhouse and Williams—12.

The negative voters were:

Messrs. Bradbury, Foster, Frey, Jennings, Ledbetter, Martin, Miller, Motley, Nelson, Peyton, Reneau, Sevier, and mr. Speaker Turney—13.

So said amendment was non-concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Nelson moved that the Senate take up and consider the message of his Excellency, transmitting the nomination of twelve persons as Directors of the Bank of Tennessee for the next ensuing two years, and the question thereupon being had, was determined in the negative—ayes 12, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, *M*otley, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were:

*M*essrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, Powell, Ross, Warner, Waterhouse, and mr. Speaker Turney—13.

So said motion to take up and consider said message was rejected.

The Senate took up and considered a message from the House of Representatives, transmitting the amendment of the House to the Senate's bill to authorize the Planters' Bank to discontinue its Branch at Athens and establish it at Chattanooga, and for other purposes.

Which being read, the Senate concur in said amendments.

Whereupon mr. Maclin moved to amend said amendments by adding thereto the following:

Provided, the citizens of the town where said Branch is proposed to be established, shall desire it.

Which being read, and the sense of the Senate thereon being had, said amendment was adopted.

Ordered that the clerk acquaint the House with said amendment, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to revive the charter of the Nashville Bank.

Which being read a third and last time—when mr. Jennings moved to amend said bill by adding thereto the following:

Provided, no claimant against said Bank, other than the State of Tennessee, shall be benefitted by the passage of this act.

Which being read, and the question upon the adoption of said amendment thereupon being had, was determined in the negative—ayes 10, nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Nelson, Peyton, Reneau, and Williams—10.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, maclin, martin, matthews, miller, motley, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—14.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the affirmative—ayes 17, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs Ashe, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Miller, Motley, Peyton, Powell, Ross, Warner, Waterhouse, Williams and mr. Speaker Tunney—17.

The negative voters were:

Messrs. Bradbury, Foster, Jennings, Matthews, Nelson, and Reneau —6.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives, to create the 23d and 24th Brigades of Tennessee *Militia*, the 23d of the Counties of Fayette and Shelby, and the 24th of the county of *Maury*.

Which bill as amended was read a third and last time and the question upon the passage of said bill was had, and determined in the affirmative.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives

Ordered that the clerk acquaint the House of Representatives with the Senate's amendment to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives, to appoint commissioners on Scott's Turnpike road, leading through Fentress county, and for other purposes.

Which bill being read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to change and amend the act of 1839-40, chapter 102, section 8.

Which bill was read a third and last time, and the question upon the passage of said bill being had, was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives, to repeal the 3d section of an act incorporating the town of Tazewell.

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the negative.

So said bill was rejected upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill.

A message from the House of Representatives by mr. *M*itchell their clerk :

*M*R. SPEAKER : The House of Representatives have taken up, read a third and last time, and passed with an amendment, a bill of the Senate, for the relief of and to refund to Thomas R. Hacket, late Sheriff of Rhea county, the sum of $45 49 cts , in which amendment the House asks the concurrence of the Senate.

Also, a bill to change the time of holding the Circuit Courts in the county of Giles, and for other purposes.

Which I am directed to transmit to the Senate.

The House of Representatives have read a third and last time and passed with amendments, the Senate's bill for the benefit of the Columbia, Elkton and Alabama Turnpike company, and for other purposes.

The House of Representatives concur in the amendment of the Senate to the amendment made by the House to the Senate's bill as amended, to amend the charter of the Planters Bank of Tennessee.

And the amendment of the Senate to the amendment of the House made to the Senate's bill * * * *

* * * * * * *

The Senate, on motion of mr. Ross, re-considered the vote of the Senate rejecting a bill from the House of Representatives to repeal the 3rd section of an act incorporating the town of Tazewell.

Whereupon said bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives to authorise the refunding of money to Sheriffs and tax collectors in certain cases.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 13, nays 6.

The ayes and noes being demanded,

The affirmative voters were :

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Reneau and Ross—13.

The negative voters were :

Messrs. Martin, Motley, Nelson, Warner, Waterhouse and mr. Speaker Turney- 6.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a bill from the House of Representatives in regard to School Lands.

Which bill was read a third and last time, and the question upon the passage of said bill was had, and determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate,

was ordered to be transmitted to the House of Representatives for enrollment.

Mr. Powell submitted the following:

Resolved by the General Assembly of the State of Tennessee, That of the county of be and he is hereby chosen a Senator in the Congress of the United States to fill out the unexpired term of the late Felix Grundy, dec'd, for four years from the 4th of March last.

Resolved by the General Assembly of the State of Tennessee, That of the county of be, and he is hereby chosen a Senator to the Congress of the United States for six years from the 4th of March last.

Which being read was laid on the table.

The Senate took up and considered a bill from the House of Representatives to amend an act entitled an act to prescribe certain duties to be performed by the clerks of the several courts in this State.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative—ayes 12, noes 5.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Laughlin, Matthews, Powell, Ross, Warner, Williams and mr. Speaker Turney—12.

The negative voters were:

Messrs. Maclin, Martin, Miller, Nelson and Waterhouse—5.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate took up and considered a message from the House of Representatives transmitting an amendment of the House to the Senate's bill for the relief of and to refund to Samuel R. Hackett late Sheriff and tax collector for Rhea county, the sum of forty-four dollars and forty-nine cents, and for other purposes.

Which being read, mr. Ledbetter moved to amend the amendment of the House of Representatives to said bill as follows:

Be it enacted, That the Treasurer of the State be, and he is hereby authorised upon the warrant of the comptroller of the Treasury, which warrant the said comptroller is hereby directed to grant, to pay to ——— Saunders, the Deputy Sheriff of Rutherford county, the amount that may be due him for bringing a Lunatic pauper from said county to the Lunatic Asylum at Nashville, according to a resolution of the General Assembly passed 22d January, 1842.

Which being read and considered, said amendment was adopted.

Ordered, that the clerk acquaint the House of Representatives with said amendment and ask a concurrence therein.

The Senate took up and considered a message of the House of Representatives, transmitting amendments to the following bills of the Senate, to-wit:

A bill to extend the corporate limits of the town of Dresden, in the county of Weakley.

A bill concerning forge or mill dams in Holston River.

Which amendments to said bills severally being read the Senate concur therein.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate, on motion of mr. Martin, took up the consideration of the message of His Excellency the Governor of the State of Tennessee, transmitting to the Senate his nomination of twelve persons named as Directors to the Bank of Tennessee for the next ensuing two years.

Which being read and the question upon the confirmation of said nomination being had was determined in the negative—ayes 11, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—11.

The negative voters were:

Messrs. Bradbury, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

Mr. Martin stated to the Senate that he voted for mr. Peter W. Martin of Sumner county, and asked to have his vote recorded upon the journal of the Senate.

The Senate took up and considered a bill from the House of Representatives * * * * * * * * * * *

Which being read a third and last time—

Mr. Matthews moved to amend the amendment of the House of Representatives to the 3d section of said bill as follows:

Provided further, That the term luxuries in this section be considered as including silks, wines, jewelry, vanella, beaus, rattans, tortoise shell, dye-stuff used by manufacturing establishments, epaulets, and wings of gol or silver, cord, and rich and costly shades and laces.

Which being read, and the question upon the adoption of said amendment being had was determined in the negative—ayes 11, nays 14.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Hardwicde, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner and Waterhouse—11.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier, Williams and mr. Speaker Turney—14.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the affirmative—ayes 21, nays 1.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Frey, Gardner, Jennings, Johnson, Ledbetter, Maclin, *M*artin, Matthews, Miller, Motley, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and mr. Speaker Turney—21.

Mr. Nelson voting in the negative—1.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

A message from the House of Representatives by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the Senate's amendment to the bill of the House to create the 23d and 24th brigades of Tennessee Militia, the 23d of the counties of Fayette and Shelby, and the 24th of the county of *M*aury—and concur therein.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives to provide for furnishing the new counties with the Statute Laws of Tennessee.

Which bill was read a second time and passed.

A message from the House of Representatives, by mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives concur in the several amendments of the Senate to the bill from the House, to amend the law of discounts in certain cases.

The House concurs in the amendments of the Senate to bills of the following titles:

A bill to authorise and require the Entry Taker of the Ocoee District to refund money in certain cases.

A bill giving further time to former sheriffs to collect arrearages of taxes.

A bill to restore John Wilson. of Blount county, to the privileges of citizenship, and for other purposes. And then he withdrew.

Mr. Frey, chairman of the committee on enrollments, reports as correctly enrolled the following bills, entitled:

An act to alter the dividing line between the counties of Rutherford and Cannon.

An act to incorporate the inhabitants of Hillsboro,' in the county of Coffee.

Whereupon the Speaker of the Senate did sign said several enrolled acts, and ordered that the same be transmitted to the House of Representatives.

A message from the House of Representatives by mr. Mitchell, their clerk:

*M*r. Speaker: The House of Representatives have taken up and read a third time and passed with amendments, the following entitled bills of the Senate, to-wit:

A bill to secure the estates of orphans.

A bill to extend the corporate limits of the town of Dresden in the county of Weakley.

A bill concerning forge and mill dams in Holston river.

In which amendments to said bills severally I am instructed to ask the concurrence of the Senate.

The Speaker of the House of Representatives did this day sign the following enrolled bills, entitled as follows, to-wit:

An act to legalize certain marriage licenses in the county of Jefferson.

An act directory to the Secretary of State to have bound certain pamphlet acts of Congress, and for other purposes.

An act to authorise Samuel Henry, sen., of Blount county, to build a dam across Little River in said county.

An act to incorporate the Tennessee Manufacturing Silk Company and Agricultural School to teach the art of the culture and manufacture of silk, and for other purposes.

An act to dispose of that portion of the moneys arising from the sale of the public lands to which Tennessee may be entitled, under the act of Congress of the extra session of 1841, commonly called the distribution bill.

An act to incorporate the town of Durhamsville, in the county of Lauderdale.

An act to incorporate the District Central Turnpike road, and for other purposes.

An act to create the 23d and 24th brigades of Tennessee militia—the 23d of the counties of Fayette and Shelby; the 24th of Maury county.

Also, a resolution directory to the Attorney General of the State of Tennessee, to file a bill in chancery against the East Tennessee College, Nashville University and Luke Lea.

Which enrolled acts and resolution I am directed to transmit to the Senate. And then he withdrew.

Whereupon, the Speaker of the Senate did sign said several enrolled acts and resolution, and ordered that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had.

The Senate took up and considered a resolution from the House of Representatives to amend the 4th section of the 10th article of the constitution of the State of Tennessee, which being read a third and last time, and the question upon the adoption of said resolution being had, was determined in the affirmative —ayes 12, noes 9.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Johnson, Laughlin, *M*aclin, Peyton, Powell, Reneau, Sevier, Waterhouse, Williams and mr. Speaker Turney —12.

The negative voters were:

*M*essrs. Frey, Gardner, *M*artin, *M*atthews, *M*iller, *M*otley, Nelson, Ross and Warner—9.

So said resolution was adopted upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

A message from the House of Representatives, by mr. mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in the amendments of the Senate to the amendments of the House to the Senate's bill to authorise the Planters' Bank of Tennessee to discontinue its branch at Athens, and establish it at Chattanooga, and for other purposes.

The House of Representatives concur in the amen lments of the Senate to the amendments of the House to the Senate's bill to authorise the sale of the bonds of the State (known as the River bonds) allotted to East Tennessee and the Western District by the act of 1837–8.

The House of Representatives concur in the amendments of the Senate to the bill of the House to amend the several acts in this State respecting costs.

The House of Representatives concur in the Senate's amendment to a bill from the House to remedy the informality of deeds of conveyance and other instruments executed by an attorney.

The House of Representatives concur in the Senate's last amendment to a bill from the House for the benefit of the Columbia, Pulaski, Elkton and Alabama Turnpike Company, and for other purposes.

And then he withdrew.

The Senate, on motion of mr. Hardwicke, took up and considered the resolution presenting the thanks of the Senate to the Hon. Samuel Turney, Speaker of the Senate, for his able, disinterested and impartial discharge of the duties of his station.

Which being read, and the question upon the adoption of said resolution being had, was determined in the affirmative—ayes 17, noes 4.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Foster, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Motley, Powell, Reneau, Ross, Sevier, Warner and Williams—17.

The negative voters were:

Messrs. Ashe, Frey, Nelson and Peyton—4.

So said resolution was adopted.

When mr. Speaker Turney delivered the following address to the Senate, and asked leave of the Senate to have the same enrolled upon the journal, which was ordered to be accordingly done:

Gentlemen of the Senate:

It is gratifying to me to receive (from a portion of you) your sentiment of approbation. I can esteem it only as an additional act of kindness and forbearance, amongst the many which you have from time to time conferred upon me, and for which you have my lasting gratitude.

I was prepared, gentlemen, to receive the sentence of that portion of you who have voted my condemnation. I was informed of their unfriendly feelings, and that they had expressly plotted my disgrace. By what motive they have been actuated, or what gratification it can afford, is to me unknown; for, if I have at any time shown partiality in the discharge of my trust, I am unaware of the time. I rejoice,

however, that there is a jurisdiction more extensive and intelligent than theirs or mine, to which I appeal and humbly submit.

I am sensible, gentlemen, of my want of qualification to preside over this enlightened body: my humble sphere in life had never permitted me to prepare for, or to aspire to such an elevation; and if I have in a tolerable manner performed the duties incumbent upon the chair, I frankly acknowledge that I am indebted for that performance to your friendly aid and kind indulgence.

Gentlemen of the Senate, we are now about to close our deliberations—to end our arduous and exciting session, and to separate, and perhaps forever. It will be fortunate, if we all shall ever meet again.

Permit me to say to you, that there is not a sentiment in my bosom, for any of you, other than of the kindest character. If I could feel any other lingering there, I would hurl it headlong from me, as I would a viper. And if, at any time, I have committed any act, or used any expression, that has, or was calculated to irritate the feelings of any of you, I pray you to attribute the expression to the excitement of the moment, and I humbly beg you that you will grant me a pardon, to be placed with the many favors which I have already received from your hands. To know that I have received this boon, would be a prize dearer to me than all the others. (This I particularly address to those who have placed their stigma upon me on our journals.) When my mind shall involuntarily dwell upon you, and the incidents attending our deliberations, no bitter associations will mingle there, to cause me to regret, which your kindness shall not have removed or obliterated from my recollection. Grant me this, and I shall incur an obligation too deep and too lasting ever to be effaced from my memory.

I pray you, gentlemen, to accept of my highest esteem and regard for your health, happiness and prosperity through life; it is all that I have; but this is fully bestowed, of which you may be assured.

Which being read, was directed to be enrolled upon the journal of the Senate.

Mr. Johnson, chairman of the committee on finance, to whom had been referred a bill from the House of Representatives, making appropriations to defray the expenses of the present General Assembly —Reports, that said committee have had the same under consideration; that said committee had directed him to report said bill with the following amendments, and with said amendments, to recommend its passage; which report and amendments are as follows, to-wit:

Report of committee on finance, showing the mileage and *per diem* allowance to the members and officers respectively of the Senate at the regular session of the 24th General Assembly, the aggregate amount received by each, and a detailed statement of the individual and contingent expenses of the same.

The committee have had the appropriation bill under consideration, and beg leave to report the same to the Senate, with various accounts and items of expenditure, without making any recommendation in relation to the same. The committee beg leave to say, that they have examined all the accounts submitted to them for consideration; some of them, as they think, extravagant, and an unnecessary expenditure

of public money. They therefore recommend the passage of the following section, to-wit:

Be it enacted, That it shall hereafter be the duty of the Secretary of State, before the meeting of each session of the General Assembly, to have the legislative halls fitted up for the reception of the members; and it shall also be his duty to contract for stationery, fuel and lights for the use of the two houses of the General Assembly, and shall after each adjournment thereof, take charge of the halls and public furniture: *Provided*, that in making the contracts aforesaid, said Secretary shall advertise and receive proposals, and take the lowest bid; believing it will save an immense sum to the State in time to come. We find, in looking over the various accounts, that the fitting up of the two halls for the reception of the General Assembly will cost the State over $1400. All of which is respectfully submitted to the Senate.

Further amendments reported by the committee on finance, as follows:

Sec. *Be it enacted*, That the following sums be allowed and paid as directed in the first section of this act:

To F. Kezer, for negro man Ned for bringing water,	$ 50	00
" " further sum of $25 for services in House,	25	00
" Andrew Hogg, assistant door-keeper for 127 days, at $1,	127	00
" P. W. Maxey, taking down and putting up stoves, &c.,	46	38
" John Buchanan, for 73 cords of wood,	401	50
" J. George Harris, for printing job work of Senate present session, account rendered,	958	97¾
" printing report of Comptroller last session,	19	67
" Samuel Turney, Speaker of the Senate, for postage,	1	54
" Berry & Tannehill, for stationery, candles, &c., for Senate,	428	26
" " " " " H. of R.,	968	72
" E. Kizor, for ten days services as assistant clerk,	60	00
" J. A. Lane, for 127 days services as principal clerk, at $6,	762	00
" " transcribing unfinished copy of journal after adjournment of session,	50	00
For this amount paid for washing towels, and stationery,	8	00
To Alexander Caldwell, for 127 days services as engrossing clerk, at $6,	762	00
" Hays Arnold, 127 days service as door-keeper at $4,	508	00
" Stephen, hauling water for Senate,	17	12½
" Hays Arnold, for this sum paid for chairs for use of the Senate,	8	00
" Alexander *M.* Caldwell, for this amount paid Joseph R. Mitchell, for copying journal,	24	50

Members' Names.	No. of days.	Amount.	Mileage going and returning.	Amount.	Total am't.
John B. Ashe,	127	$508	350	$56	$564.
Hezekiah Bradbury,	127	508	250	40	548
Robert C. Foster, jr.,	127	508	34	5 44	513 44
Henry Frey,	127	508	46	7 36	515 36
John A. Gardner,	127	508	260	41 60	549 60
J. P. Hardwicke,	127	508	76	12 16	520 16
Thomas R. Jennings,	127	508			508
Andrew Johnson,	127	508	550	88	596
Samuel H. Laughlin,	127	508	150	24	532
William Ledbetter,	127	508	64	10 20	518 20
Sackfield Maclin,	127	508	400	64	572
Barclay *Martin*,	127	508	82	13 12	521 12
Thomas J. Matthews,	127	508	150	24	532
John Miller,	127	508	326	52 16	560 16
Benjamin Motley,	127	508	68	10 80	518 80
John R Nelson,	12	508	409	64 40	573 40
Joseph R Peyton,	127	508	50	8	516
Robert K. Powell,	127	508	636	101 76	609 76
Lewis Reneau,	127	508	448	71 68	579 68
William C. Ross,	127	508	160	24	532
Valentine Sevier,	127	508			
Richard Warner,	127	508	88	14 08	522 68
Richard Waterhouse,	127	508	270	43 20	551 20
William Williams,	127	508	500	80	588
Samuel Turney, Speaker,	127	760			

Which being read,

Mr. Foster moved to amend said bill by inserting therein, to Joseph R. *Mitchell*, two hundred dollars,

And the question thereupon being had, was determined in the affirmative—ayes 15, noes 10.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Laughlin, Ledbetter, Motley, Nelson, Peyton, Powell, Reneau, Sevier, Williams and mr. Speaker Turney—15.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Ross, Warner and Waterhouse—10.

So said amendment was adopted.

Mr. Jennings moved that the item of appropriation to Horne and Steenback, be so amended as to strike out the sum of $3,75, and insert the sum

of $534 12 1-2, the latter sum being the amount of the bill rendered against the General Assembly, by said Horne and Steenback,

And the question upon the adoption of said amendment being had, was determined in the negative—ayes 4, noes 19.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey and Jennings—4.

The negative voters were:

Messrs. Ashe, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—19.

So said amendment was rejected.

Mr. Sevier moved to amend said bill by striking out fifty dollars to mr. Fortner, which being considered, was rejected.

Mr. Martin moved to strike out twenty-four dollars, reported by committee, to mr. Fortner, which motion prevailing, said amendment was adopted.

Mr *Martin* moved a re-consideration of said vote, striking from the account of mr. Falkner the sum of $25, which motion prevailing said vote was re considered.

Mr. Foster moved to amend said report by striking out of the item of eight dollars to Jacob A. Lane,

And the question thereupon being had, was determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Hardwicke, Johnson, Laughlin, Ledbetter, Matthews, Miller, Powell, Reneau, Warner and Waterhouse —14.

The negative voters were:

Messrs. Gardner, Jennings, Maclin, Martin, Motley, Nelson, Peyton, Ross, Sevier, Williams and mr Speaker Turney—11.

So said amendment was adopted.

Mr. Sevier moved to amend said bill by adding thereto the following, to wit:

Be it enacted, That in addition to the above appropriation, above made, the sum of one hundred dollars be paid to Jacob A Lane, principal clerk, and a like sum to Alexander M. Caldwell engrossing clerk of the Senate; said sum being hereby allowed to said clerks, in addition to their regular salaries, as justly due them for their assiduity in the performance of their duties, and by the expenses of the Senate for the hire of clerks, during its present session, have been reduced five hundred dollars below the expenses of each of its two last sessions on the same account,

Which being read, and the question upon the adoption of said amendment being had, was determined in the negative—ayes 8, noes 15.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Jennings, Peyton, Reneau, Sevier and mr. Speaker Turney—8.

The negative voters were:

Messrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Motley, Nelson, Ross, Warner, Waterhouse and Williams—15.

So said amendment was rejected.

Mr. Turney moved to amend said bill by adding thereto the following, to wit:

Be it enacted, That the President of the principal Bank of Tennessee, shall hereafter have a compensation of twenty-five hundred dollars for his services and no more, and the Cashiers of the several branches of the Bank of Tennessee shall have a compensation of twelve hundred dollars each and no more, and the Presidents of the branches of the Bank of Tennessee shall hereafter have a compensation of two hundred dollars each and no more, any law to the contrary notwithstanding. All laws requiring the President of the branch Banks to give any bond be repealed; and the same being read,

Mr. Matthews moved to amend said amendment by striking out the $2500, as compensation to the President of the Bank,

And the question thereupon being had, was determined in the affirmative—ayes 17, noes 6.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Frey, Johnson, Ledbetter, Maclin, Martin, Matthews, Miller, Motley, Nelson, Peyton, Reneau, Ross, Warner, Waterhouse, and Williams—17.

The negative voters were:

Messrs. Foster, Gardner, Jennings, Laughlin, Powell, Sevier and mr. Speaker Turney—8.

So said amendment was adopted.

Mr. Foster moved to lay the residue of mr. Turney's proposed amendment on the table,

And the question thereupon being had, was determined in the affirmative—ayes 17, noes 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Bradbury, Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Matthews, Miller, Motley, Nelson, Peyton, Powell, Reneau, Warner, Waterhouse and Williams—17.

The negative voters were:

Messrs. Ashe, Hardwicke, Laughlin, Maclin, Martin, Ross, Sevier and mr. Speaker Turney—8.

So said motion to lay said amendment on the table prevailed.

Mr. Martin moved to amend said bill by striking out "five dollars and fifty cents per cord for wood," and to insert in lieu thereof the words, "four dollars and fifty cents,"

Which being read and considered, said amendment was adopted.

Mr. Sevier moved to amend said bill by adding thereto the following:

Be it enacted, That the branch Bank at Trenton may employ an extra clerk at four hundred dollars per annum,

Which being read, and considered, said amendment was rejected.

Mr. Johnson moved to amend said bill as follows, to wit:

Be it enacted, That it shall be the duty of the Comptroller of the Treasury to take the memorial of the commissioners of Powell county, and examine all the items of expense, that has been expended by them, in attending to the different suits that has been brought against the commissioners of said county, and if in his opinion any additional proof shall be necessary to establish the validity of the items as set forth in said memorial, he shall apply to the commissioners for such proof as he may deem proper and expedient.

Be it enacted, That the Comptroller after making a full and thorough examination under the whole matter, shall be of opinion that the items as set forth in the memorial of said commissioners of Powell county, or any portion of them are just and equitable, he shall issue his warrant directing the same to be paid, out of any money in the Treasury not otherwise appropriated, and shall report the result of his investigation to the next General Assembly of this State,

Which being read, and the question upon the adoption of said amendment being had was determined in the negative—ayes 6, nays 17.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Jennings, Johnson, *M*aclin and Powell—6.

The negative voters were:

Messrs. Foster, Frey, Gardner, Laughlin, Ledbetter, *M*artin, *M*atthews, *M*iller, *M*otley, Nelson, Peyton, Reneau, Ross, Warner, Waterhouse, Williams and mr. Speaker Turney—17.

So said amendment was rejected.

*M*r. Jennings moved to amend said bill by adding the following:

"That the appropriation to Horne & Steenback be increased by an addition of the sum of seventy-five dollars."

Which being read and considered said amendment was rejected.

And said bill as amended being read a third and last time and the question upon the passage of said bill being had was determined in the negative—ayes 9, nays 13.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Bradbury, Frey, Gardner, Jennings, Peyton, Reneau, Ross, Warner and mr. Speaker Turney—9.

The negative voters were:

*M*essrs. Foster, Johnson, Laughlin, Ledbetter, maclin, *M*artin, Matthews, miller, motley, Nelson, Sevier, Waterhouse and Williams—13.

So said bill was rejected upon its third and last reading in the Senate.

Whereupon mr. Martin moved a re-consideration of the vote of the Senate rejecting said bill.

Which being considered, and the question thereupon being had was determined in the affirmative.

So the Senate reconsiders said vote.

Whereupon said bill as amended being read a third and last time and the question upon the passage of said bill being had was determined in the affirmative—ayes 14, nays 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Gardner, Jennings, *Mac*lin, *M*artin, *M*otley, Peyton, Reneau, Ross, Warner and mr. Speaker Turney—14.

The negative voters were:

Messrs. Johnson, Laughlin, *M*atthews, *M*iller, Nelson, Sevier, Waterhouse and Williams—8.

So said bill as amended was passed upon its third and last reading in the Senate, and ordered to be transmitted to the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives with the amendments of the Senate to said bill, and ask a concurrence therein.

The Senate took up and considered a bill from the House of Representatives to provide for furnishing the new counties with the Statutes of the State of Tennessee.

Which bill was read a third and last time, and the question upon the passage of said bill being had was determined in the affirmative.

So said bill was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrollment.

The Senate adjourned until *M*onday morning next 9 o'clock.

MONDAY, FEB. 7, 1842.

Mr. Frey, chairman of the committee on Enrollments reported as correctly enrolled the following entitled bills, to-wit:

An act for the relief of John Bell, Sheriff of Coffee county.

An act to amend the act of 1837–8 incorporating the Union Seminary in Maury county.

An act for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of the claim against the State for River Bonds under the act of 1837–8, and for other purposes.

An act to provide for the inspection of Tobacco.

An act to compel the Judges of the Supreme Court to give written opinions in all cases in their courts including its present term, and the reporter of the State to report the same.

An act to secure the estates of orphans.

An act to incorporate *M*arshal Academy, in the county of Marshal.

An act to ensure a more efficient management of the Lunatic Asylum.

An act to incorporate the Montgomery Wharf Company.

An act to change the time of holding the circuit courts in the county of Giles, and for other purposes.

An act requiring the collecting officers of Hardin county to make their returns at Jackson.

An act to amend the Militia Laws of this State.

An act to provide for the payment of certain public charges.

An act to allow compensation to certain corporations.

An act to preserve the original acts and resolutions of the General Assembly of this State.

An act for the relief of and to refund to Samuel R. Hackett, late sheriff and tax collector of Rhea county, the sum of fifty-four dollars and forty-nine cents, and for other purposes.

An act to incorporate the Alumni Society of the University of Nashville.

An act to refund to John Hoyall and Thomas McCallie the consideration money paid by them in making Entry No. 521, in the Ocoee district.

An act to amend the act of 1835, chap. 75.

An act to incorporate the Sycamore Manufacturing Company.

An act to extend the corporate limits of the town of Dresden, in the county of Weakley.

An act to incorporate the Caroline Medicinal Springs, in the county of Warren.

An act to amend the act of 1817, chap. 65, sec. 4, fixing the compensation of Attorneys General in this State.

An act to amend the charter of the Planters' Bank of Tennessee.

An act to amend an act entitled an act to distribute the Academy moneys, and for other purposes.

An act concerning forge or mill dams in Holston river.

An act to authorise the Trustees of Huntingdon Academy to dispose of Lot No. 95, in said town.

An act to authorise the Stock Banks of the State to dispose of their real estate, to reduce the debt of the State, and for other purposes.

An act for the amendment of criminal laws, and for other purposes.

An act for the relief of sheriffs in certain cases.

An act to amend the act of 1831, chapter 24, in relation to the granting of letters of administration or letters testamentary on the estates of non-resident testators or intestates.

An act to amend the law for the collection of corporation taxes in the town of Knoxville and the town of Charlotte, and for other purposes.

An act to amend the act of 1835, chapter 11, sec. 1, providing for the appointment of Notaries Public.

An act to incorporate the Tennessee State Agricultural Society.

An act directing the Internal Improvement books, records and papers to be transferred from the office of the Secretary of State to the office of the Comptroller of the Treasury, and for other purposes.

An act to incorporate the Union University of the State of Tennessee.

An act for the relief of the Columbia, Pulaski, Elkton and Alabama Turnpike Company, and for other purposes.

Resolutions of instructions and request to our Senators (when Senators shall be elected) and Representatives in Congress, on the subject of the American tobacco interest.

Preamble and resolutions of request to the Legislature of Louisiana on the subject of tobacco inspection.

Preamble and resolutions for the revision and improvement of the Tobacco inspection system of said State, and the enactment of a law regulating the charges of warehouse keepers for the storage of this article.

Resolution requiring the Banks of Tennessee to resume and continue specie payments.

Which enrolled acts and enrolled resolutions were severally and respectively this day signed by the Speaker of the Senate, who ordered that the same be transmitted to the House of Representatives for the signature of the Speaker thereof.

A message from the House of Representatives, by mr. Mitchell, their clerk:

MR. SPEAKER: The Speaker of the House of Representatives did this day sign the following enrolled bills and resolutions, entitled as follows:

An act to amend the laws in relation to forcible entry and detainer.

A bill to amend the several acts in this State respecting costs.

An act to amend an act passed 11th December, 1837, entitled an act to amend an act to incorporate the Ashport Turnpike Company.

An act to amend the laws now in force in relation to free persons of color.

An act to amend the several acts passed heretofore in relation to the corporation of the town of Jonesboro'.

An act to amend an act entitled an act to incorporate the town of Memphis, passed the ninth of December, 1826.

An act to appoint commissioners of the Bean's Station Turnpike Road, and for other purposes.

An act to amend an act entitled an act to extend the limits of the Corporation of Brownsville.

An act to change the time of holding the Chancery Court at Savannah.

An act to remedy the informality of deeds of conveyance and other instruments executed by an attorney.

An act to create a body politic and corporate to be called the Mutual Insurance and Trust company of Columbia and Franklin.

A resolution directory to the Secretary of State.

An act to extend the provisions of the act of 11th January, 1840, entitled an act for the benefit of occupants South and West of the Congressional reservation line.

An act to continue Doctor Gerard Troost, Geologist, Mineralogist and Assayer for the State of Tennessee.

An act to prevent and suppress the issuance of change bills and tickets of any size or denomination whatever.

An act to authorise the refunding of monies to Sheriffs and tax collectors in certain cases.

An act to revive the charter of the Nashville Bank.

An act to change the time of holding the circuit courts for the counties of McNairy and Hardeman, and to attach Tipton county to the tenth judicial circuit.

An act to amend and extend the charter of the White's Creek Turnpike company.

An act to amend an act entitled an act to distribute one hundred thousand dollars among the several counties of Middle Tennessee and for other purposes.

An act to make allowance to certain persons, purchasers and assignee of purchasers of reservations in the Hiwassee District, for monies paid by them in defending the title of the State and quieting the Indian title.

A resolution to amend the fourth section of the tenth article of the constitution of the State of Tennessee.

An act to appoint commissioners on Scott's Turnpike road leading through Fentress county, and for other purposes.

An act to incorporate the Kingsport Wool *M*anufacturing company.

An act to revive an act entitled an act to prescribe certain duties to be performed by the clerks of the several courts in this State, passed Feb. 15th, 1836.

An act to change and amend the act of 1839–40, chapter 102, section 8.

An act for the relief of owners of iron works South and west of the Congressional line.

An act to repeal the third section of an act, entitled an act, to incorporate the town of Tazewell, passed January 2d, 1830.

An act to provide for furnishing the new counties with the Statute laws of Tennessee,

Which I am directed to transmit to the Senate for the signature of the Speaker.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said several enrolled acts and resolutions, and directed that the same be re-transmitted to the House of Representatives for the further action of the House thereon to be had,

A message from the House of Representatives by mr. Mitchell their Clerk:

*M*r. Speaker: The House of Representatives have taken up and considered the amendment of the Senate made to the bill of the House, making appropriations to defray the expenses of the present General Assembly, and the House of Representatives concur therein.

And then he withdrew.

Mr. Nelson presented and requested to be read at the clerk's table the following:

The undersigned protests against the resolutions adopted in the Senate on the 3d instant, thanking the Speaker for his able and impartial discharge of the duties belonging to that station, because in his opinion these

resolutions involve a palpable falsehood. They declare the conduct of the Speaker to have been able, impartial and dignified, when in fact it was directly the reverse. He desires not to be considered the weak victim of that overweaning love for parlamentary formalities, which would betray him into the gross error of confounding truth and falsehood, virtue and vice. February 7th, 1842. JOHN R. NELSON.

Which being read, was at the request of mr. Nelson enrolled upon the Senate's Journal.

Messrs. Peyton and Ashe presented the following, which was read at the clerk's table.

The undersigned respectfully submit the reasons which induce them to negative so far as they could, the resolutions tendering the thanks of the Senate to the Speaker thereof, for the able and impartial manner with which he had discharged the duties of the chair. Their reasons for withholding the usual tribute of respect from this officer, are founded in their disbelief that his conduct merits it, they deny that his deportment has been characterised by either dignity, impartiality or ability, and they are compelled to assert that the pledges, which they have reason to believe were given by the Speaker, prior to his election of his total freedom from party bias, and of his determination to execute the duties of the chair without reference to party advantage, have been forfeited. Having been thus grossly deceived, they cannot consistently, with respect for themselves, or any ordinary regard for truth, subscribe to the fulsome flattery contained in the resolutions referred to. In conclusion, the undersigned take occasion to declare that their conduct has not been prompted by considerations personal to the Speaker, whilst they are at all times ready to accord the meed of praise due to meritorious conduct, and thereby encourage virtue—they are determined at all times to discountenance deception and vice, whether they present themselves in high or low places.

February 7th, 1842. JOSEPH H. PEYTON.
JOHN B. ASHE.

Which being read, was at the request of messrs. Peyton and Ashe, ordered to be enrolled upon the Senate's Journal.

A message from his Excellency the Governor of the State of Tennessee, transmitted by John S Young Secretary of State for the State of Tennessee.

EXECUTIVE DEPARTMENT,
Nashville, Feb. 7th, 1842.

Gentlemen of the Senate:

I have the honor to acknowledge the receipt of your message of this morning, by the hands of your clerk, mr. Lane, in which you notify me that the nomination of Directors of the Bank of Tennessee made to the General Assembly on the 28th ultimo, have been rejected by the Senate. As the Executive of the State it was my duty to nominate twelve persons to serve as Directors of the Bank of Tennessee; I have endeavored to discharge this duty in such a manner as to protect the interest of the State, and as far as I could secure the different classes of society, a just and fair representation in the direction and management of an institution in which they have a common interest—in the final solvency

of which there is an equal liability, and in the advantages and benefits of which they have an equal right to participate. How far I may have succeeded in accomplishing these purposes, it does not become me to say—I cheerfully submit its decision to the tribunal of our common constituents, from whose determination there can be no appeal. I might here content myself by closing this communication, but if the duty of appointing Directors for the Bank, which is as obligatory on the Legislature as the Executive, is to be disregarded, and the plain requirements of the law are to be set at nought and continued, I desire that there shall be no cavil, as to where the responsibility shall rest.

You have been pleased to delay your action upon this subject until within a few hours of the probable close of your session, and although I might have desired a greater length of time to have matured my action upon a subject of so much importance to the country, and responsibility to myself, still I do not find enough in those circumstances, embarrassing as they may be, to absolve me from the prompt and faithful discharge of my duty. I herewith transmit the names of twelve persons to serve as Directors of the Bank of Tennessee for the next two years:—

J. J. Gill of Davidson county.
A. W. Vanlier of do,
F. McGavock of do.
E. P. Connell of do.
J. W. McCombs of do.
V. K. Stephenson of do.
J. H. Hough of do.
George Elliott of Sumner county.
Timothy Walton of Smith county.
John Hill of Wilson county.
Wm. H. Smith of Rutherford county.
Andrew Park of Williamson county.

JAMES C. JONES.

And upon the question "will the Senate agree to said nominations?"

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, *M*aclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So said nominations were rejected.

A message from the House of Representatives by mr. Mitchell their clerk.

Mr. SPEAKER: The Speaker of the House of Representatives did this day sign an enrolled resolution proposing the admission of Texas into the Union upon an equal footing with other sovereign States of this confederacy.

Which was signed by the Speaker of the Senate and ordered to be re-transmitted to the House of Representatives.

The Senate, on motion of mr. Powell, took up the resolutions submitted by him on the 5th inst. proposing to choose Senators to the Congress of the United States.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, *M*artin, Miler, Matthews, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

*M*essrs Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—10.

The said resolutions being read, mr. Laughlin offered the following in lieu of said resolutions, to-wit:

Resolved by the General Assembly of the State of Tennessee, That

Whereas, this General Assembly has hitherto failed to choose Senators in the Congress of the United States; and whereas, it is desired by both political parties that Senators should be chosen; and whereas, the parties in this State are nearly equally balanced; therefore

Resolved, That in order to compromise the great question in relation to the choice of Senators, and in order that the same may be done in the spirit of harmony, concession and compromise, one Senator shall be chosen from the Whig party and one of the Democratic party, both to be selected from men who have not been in public life for the last four years, and in making the choice the Whig party shall select their own candidate first, from either division of the State, and if he shall reside in East Tennessee, then the Democratic party shall select then their candidate, who shall reside in Middle or West Tennessee, but if the Whig party shall select their candidate in Middle or West Tennessee, then the Democratic party shall select their candidate in East Tennessee, and the candidates so selected shall forthwith be elected Senators in Congress by this General Assembly before its adjournment.

Whereupon mr. Ledbetter offered the following in lieu of the original resolution, and the resolution of mr. Laughlin, to wit:

Resolved, That the Senate will meet the House of Representatives in the Hall of the House of Representatives this day at 2 o'clock, P. M. to elect two Senators from the State of Tennessee to Congress, one to fill the vacancy occasioned by the death of the Honorable Felix Grundy, and the other to serve from the 4th of March last.

And the question being had thereon was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded,

The affirmative voters were:

*M*essrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So the resolution of mr. Ledbetter was rejected.

The question then re-curred on mr. Laughlin's amendment, and being had, was determined in the affirmative—ayes 13, noes 8.

The ayes and nays being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs Ashe, Foster, Frey, Jennings, Ledbetter, Motley, Peyton and Sevier—8.

A message from the House of Representatives by mr. Mitchell their clerk, was received.

Mr. Speaker: The House of Representatives has directed a message to be transmitted to the Senate, with information that the House of Representatives are now ready to adjourn without day.

And then he withdrew.

Whereupon mr. Waterhouse moved to strike out of mr. Laughlin's resolutions the following words, "both to be selected from men who have not been in public life for the last four years,"

And the question being had on striking out, was determined in the affirmative.

So said amendment was adopted.

The question upon the adoption of said resolutions as amended was taken, and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded,

The affirmative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

The negative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said resolution as amended was adopted, and ordered to be transmitted to the House of Representatives for their concurrence.

Mr. Foster moved that a message be sent to the House that the Senate is now ready to adjourn *sine die*,

And the question being had, was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded.

The affirmative voters were:

Messrs. Ashe, Bradbury, Foster, Frey, Jennings, Ledbetter, Motley, Nelson, Peyton, Reneau, Sevier and Williams—12.

The negative voters were:

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse and mr. Speaker Turney—13.

So the Senate refused to send the message proposed by mr. Foster.

A message from the House of Representatives by mr. Mitchel their clerk:

MR. SPEAKER: The House of Representatives have taken up and considered the nomination of Directors of the Bank of Tennessee by his Excellency the Governor of the State, which nomination is confirmed by the House of Representatives.

The Speaker of the House of Representatives has this day signed the following enrolled bills, to wit:

An act making appropriations for the payment of the present General Assembly.

An act for the relief of John Bell, Sheriff of Coffee county.

An act to secure the estates of Orphans.

An act to incorporate Marshall Academy, in Marshall county.

An act to amend the act of 1837–8, incorporating Union Seminary in Maury county.

An act for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State for River Bonds under the act of 1837–8, and for other purposes.

An act to provide for and regulate the inspection of Tobacco.

An act to compel the Judges of the Supreme Court to give written opinions in all cases in their court, including its present term, and the Reporter of the State to report the same.

An act to insure a more effectual management of the Lunatic Asylum.

An act to incorporate the Montgomery Wharf Company.

An act to change the time of holding the circuit courts in the county of Giles, and for other purposes.

An act requiring the collecting officers of Hardin county to make their returns at Jackson.

An act to amend the Militia Laws of this State.

An act to provide for the payment of certain public charges.

An act to allow compensation to certain commissioners.

An act to preserve the original acts and Resolutions of the General Assembly of this State.

An act for the relief of and to refund to Samuel R. Hacket, late Sheriff and tax collector of Rhea county the sum of forty-four dollars and forty-nine cents, and for other purposes.

An act to incorporate the Alumni Society of the University of Nashville.

An act to refund to John Hoyall and Thomas McCallie the consideration money paid by them in making entry no. 521, in the Ocoee District.

An act to amend the act of 1835, chapter 75.

An act to incorporate the Sycamore Manufacturing Company.

An act to extend the corporate limits of the town of Dresden in the county of Weakly.

An act to incorporate the Caroline Medicinal Springs in the county of Warren.

An act to amend the act of 1817, chap. 65, sec. 4, fixing the compensation of Attorneys General in this State.

An act to amend the charter of the Planter's Bank of Tennessee

An act to amend an act entitled an act to distribute the Academy monies and for other purposes, passed Jan. 27, 1840.

An act concerning forge and mill dams in Holston River.

An act to authorise the Trustees of Huntingdon Academy to dispose of lot no. 95 in said town.

An act to authorise the stock banks of the State to dispose of their real estate, to reduce the debt of the State, and for other purposes.

An act for the amendment of criminal law, and for other purposes.

An act for the relief of Sheriffs in certain cases.

An act to amend the act of 1831, chapter 24, in relation to the granting letters of administration or letters testamentary on the estates of non-resident testators and intestates.

An act to amend the laws for the collection of corporation taxes in the town of Knoxville and the town of Charlotte, and for other purposes.

An act to amend the act of 1835, chapter 11, sec. 1, providing for the appointment of Notary Public.

Preamble and resolutions of request to the Legislature of Louisiana on the subject of Tobacco inspection.

Preamble for the revision and improvement of the Tobacco Inspection System of said State, and the enactment of a law regulating the charges of the Warehouse keepers for the storage of the article.

Resolution requiring the Banks of Tennessee to resume and to continue specie payments.

An to incorporate the Tennessee State Agricultural Society.

An act incorporating the Union University in the State of Tennessee.

An act directing the Internal Improvement books, records and papers to be transferred from the office of the Secretary of State, to the office of the Comptroller of the Treasury, and for other purposes.

Resolutions of instructions, and request to our Senators, (when Senators shall be elected) and Representatives in Congress, on the subject of the American Tobacco interest.

Preamble and resolutions in favor of the admission of Texas into the Union with equal rights, and upon an equal footing with the sovereign States of the United States of America.

Which enrolled acts and resolution, the Speaker of the Senate directed to be deposited in the office of the Secretary of State, for the State of Tennessee.

The Senate then adjourned *sine die.*

SAMUEL TURNEY,
Speaker of the Senate.

Test.
JACOB A. LANE, of Sparta, Tenn.,
Clerk of the Senate.